

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 6th November 1947.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—SWEARING IN OF NEW MEMBER.

Sri M. K. Sundararama Ayyar was sworn in.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Import of skimmed milk powder.

* 99 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. Minister for Food be pleased to state—

(a) whether the Government either directly or through the Government of India imported large quantities of skimmed milk powder;

(b) if the answer to (a) is in the affirmative, what the quantity imported is and the cost of the same;

(c) whether it is a fact that the imported stuff came in wooden barrels and had to be repacked here;

(d) whether tenders were called for undertaking the repacking work;

(e) whether Messrs. Parry & Co. were given the contract for repacking the skimmed milk powder received in wooden barrels;

(f) if so, what the terms of contract with Messrs. Parry & Co. were;

(g) whether it is a fact that the Dehydrating factory at Ranipet was placed at the disposal of Messrs. Parry & Co., free of charge;

(h) whether Messrs. Parry & Co. were given interest-free advances also and if so, what the total amount of such advances was;

(i) whether they were paid any other charges besides advances and if so, what the total amount involved is;

(j) whether Messrs. Parry & Co. were paid the expenditure incurred by them before the date of contract and if so what the amount is; and

(k) what the considerations were which impelled Government to undertake to reimburse expenditure prior to the date of the contract?

[6th November 1947]

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Minister for Food):—“(a) Yes, through the Government of India.

“(b) The Government imported about 6,430 tons of skimmed milk powder at an approximate cost of 103 lakhs of rupees.

“(c) Out of the total quantity of 6,430 tons imported, about 4,750 tons of milk powder were received in big wooden barrels weighing about 224 lb. each and had to be repacked in small containers to prevent deterioration of the milk powder.

“(d) No.

“(e) Yes.

“(f) Two copies of G.O. Ms. No. 445, Food, dated 10th June 1946, containing the terms and conditions of the contract are placed in the Library.

“(g) Yes.

“(h) Yes. A total amount of Rs. 11 lakhs was given to the Company as advances.

“(i) The attention of the hon. Member is invited to clause (10) of the terms of the contract embodied in G.O. Ms. No. 445, Food, dated 10th June 1946, wherein the charges to be paid by the Government to the Company for repacking the milk powder are enumerated.

“(j) Yes. A sum of Rs. 6,389-10-5 was paid to the Company in this respect.

“(k) The Government agreed to pay the Company towards such expenditure as it might have incurred in connexion with repacking work before the date of the Government Order, i.e., before 10th June 1946, from which date the contract was deemed to commence. This condition was made to cover the firm against expenses incurred on the staff, travelling allowance, etc., and on the purchase of the plates or containers between 12th May 1946 and 10th June 1946. The Company wanted the orders in the Government Order to take effect from 12th May 1946. But it was considered that if this was done, the Government would be letting themselves in for various items of indefinable expenditure, particularly overhead charges (Rs. 4,000 per month) factory overheads, etc. Hence a separate bill for the expenditure incurred by them before 10th June 1946 was asked for and the amount ultimately sanctioned was Rs. 6,389-10-5.

The Company was allowed to incur expenditure before the precise terms and conditions governing the arrangement were decided upon, for the following reasons:—

- (1) The Government of India arranged for the supply of 4,500 tons of skimmed milk powder in barrels in lieu of whole milk powder to this province only on the undertaking that repacking in small containers would be done in a proper manner.

6th November 1947]

- (2) It was imperative that repacking should be taken up immediately not only to prevent deterioration of milk powder but also to start the supply to school children.
- (3) The Government of India made enquiries to see if they could arrange for the repacking themselves before supply. The only one competent firm in Bombay was doing similar work for the Bombay Government and could take no more orders. The Government of India felt that they could take no risk by entrusting the work to any other firm and left it to the Madras Government to make their own arrangements. Messrs. Parry & Co., who were the only firm in Madras who could handle repacking on a large scale and on scientific lines were most unwilling to do this work but were persuaded to take it up. But if the work was to be undertaken by them, they wanted that immediate arrangements should be made to provide water, electricity, a minimum amount of essential factory furniture and equipment, etc. They also wanted time to assemble a proper staff for the factory. They had also to make arrangements to obtain as much tin plate and ready-made containers as possible to pack the milk powder after it arrived. Meanwhile the Rationing Adviser to the Government of India, who was then on a visit to Madras, doubted if it would be possible for any factory to undertake the work of repacking such a large quantity of milk powder properly. The Commissioner of Civil Supplies therefore ordered under date 29th April 1946, that Messrs. Parry & Co. should be asked to send a man immediately to Bombay to find out how the work was being done in Bombay and to report the results. All these items of expenditure were naturally incurred before the date of Government Order which was issued only on 10th June 1946."

SRI R. SURYANARAYANA RAO:—"Sir, may I know whether Government can refer hon. Members, in reply to questions, to a Government Order which is placed in the Library, and about which we are learning only now?"

THE HON. DR. P. SUBBARAYAN:—"I am prepared to have this question taken up to-morrow so that the hon. Member may peruse these Government Orders."

Questions 100 to 110 were answered on 21st October 1947.

Major religious institutions.

* 111 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) the number of major religious institutions (assessable to contribution) coming under the Hindu Religious Endowments Act, during the years 1942-43, 1943-44, 1944-45, 1945-46 and 1946-47 ;

[6th November 1947]

(b) the amount of assessments and total demands made during the respective years;

(c) the amounts collected during these respective years;

(d) the arrears outstanding at the end of the respective years; and

(e) the amounts written-off or cancelled during the respective years?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) to (e) A statement^a is laid on the table of the House."

SRI S. B. ADITYAN:—" What is the reason, Sir, for the great disparity between the amounts of assessment and the amounts collected? In some cases the disparity is as much as 40 per cent."

THE HON. DR. P. SUBBARAYAN:—" That is true. The Endowment Board are trying their best. But collections are slow. That is one reason why Government want to take power under the new amendment."

SRI S. B. ADITYAN:—" Why are amounts written off? In 1946-47 the amount written off is Rs. 2,000 and odd. What is the reason?"

THE HON. DR. P. SUBBARAYAN:—" The amounts were written off when Government found them irrecoverable."

Archakas and the "Grow More Food" campaign.

* 112 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) whether the Government are aware of the opposition of the archakas and servicedars in the Andhra districts, to the "Grow More Food" campaign organized by the Hindu Religious Endowments Board; and

(b) whether the Government propose to take any, and, if so, what steps to bring under intensive food cultivation the lands in the possession of the above archakas and servicedars?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) Yes.

" (b) The matter is under the consideration of the Government."

SRI S. B. ADITYAN:—" Will the Government consider the desirability of taking over these lands from these archakas who are standing in the way of the 'Grow More Food' campaign?"

THE HON. DR. P. SUBBARAYAN:—" The Government will consider the suggestion of the hon. Member."

6th November 1947]

Claim for damage done to "Congress House."

* 113 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) whether the Government received a claim from the President, Tamilnad Congress Committee, for Rs. 80,300 in respect of damage done to the "Congress House," while the premises were under Police custody during 1942 to 1945;

(b) whether the Government disallowed the whole or part of the claim; if in part what part; and

(c) for what reason?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) Yes.

" (b) & (c) The Government recognized no legal liability to pay the claim. However they sanctioned an ex-gratia payment of Rs. 5,000. The Tamilnad Congress Committee has now declined to accept the amount and has asked for a reconsideration of the matter."

SRI S. B. ADITYAN:—" May I know, Sir, which particular Minister is responsible for the rejection of this claim of the Tamilnad Congress Committee? Is it the Cabinet as a whole? "

THE HON. DR. P. SUBBARAYAN:—" There is no question of any particular Minister, Sir. It is an order of the Government as a whole, because there is the joint responsibility."

SRI S. B. ADITYAN:—" Am I right that these claims were drawn up by the Hon. Mr. Bhaktavatsalam . . . "

MR. PRESIDENT:—" I do not think you are right in putting this question. Do not try to distinguish between one Minister and the Government."

SRI S. B. ADITYAN:—" May I know, Sir, whether these claims are drawn up by persons who are since in the Cabinet? "

THE HON. DR. P. SUBBARAYAN:—" The Government have no information in the matter."

Certain particulars regarding detenus.

* 114 Q.—SRI S. B. ADITYAN: Will the Hon. the Home Minister be pleased to state—

(a) the number of persons detained under the Madras Maintenance of Public Order Act, 1947, until the 15th August 1947;

(b) the amount granted to them by way of family allowances until that date;

(c) the names of persons to whom Rs. 100 or above per month were granted as allowances;

(d) whether all the detenus were released on the eve of Independence Day;

[6th November 1947]

(e) whether any, and if so, how many persons have been detained under the Act since 15th August 1947; and

(f) the amount of monthly allowances paid to them at present?

THE HON. DR. P. SUBBARAYAN :—“(a) 271.

“(b) Family allowances ranging from Rs. 25 to Rs. 150 per mensem have been sanctioned, on the merits of each case, to such of the detenues who applied for an allowance and who had families to be maintained.

“(c) (1) N. K. Krishnan, (2) S. C. C. Anthoni Pillai, (3) E. M. Sankaran Nambudripad, (4) P. Haridas Menon, (5) G. Samuel and (6) Dr. N. Annaji.

“(d) Yes.

“(e) None.

“(f) The question does not arise.”

SRI S. B. ADITYAN :—“Are the Government aware that most of these moneys go to swell the funds of the party funds of those who have been detained?”

THE HON. DR. P. SUBBARAYAN :—“Government have nothing to do with party funds. They give allowances according to the merits of each case and after a careful consideration of the needs of these people.”

SRI S. B. ADITYAN :—“Are the Government satisfied that these family allowances are not diverted to political purposes?”

THE HON. DR. P. SUBBARAYAN :—“Government are satisfied that they had families to be maintained.” (Laughter.)

Historical note on the separation of judiciary from the executive.

* 115 Q.—SRI S. B. ADITYAN : Will the Hon. the Home Minister be pleased to state—

(a) whether the Government asked the Record Office to prepare a Historical Note on the question of separation of the judiciary from the executive in this Province;

(b) whether the Record Office has accordingly submitted the historical note setting out the plans proposed from time to time for the separation and the arguments that have been urged for and against the separation; and

(c) whether the Government will place the historical note on the table of the House?

THE HON. DR. P. SUBBARAYAN :—“(a) & (b) Yes.

“(c) The report was obtained for the use of the Government and as the matter is confidential, the Government regret that they cannot place the report on the table of the House.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, whether the Government will be pleased to place it at least in the Library of the Legislature?”

6th November 1947]

THE HON. DR. P. SUBBARAYAN :—“ No, Sir, when it is treated as confidential. The Library of the Legislature is as much open to the public as it is to the House itself.”

SRI R. SURYANARAYANA RAO :—“ Will not the availability of that report help the members of this House to appreciate better any changes proposed by the Government in regard to separation?”

THE HON. DR. P. SUBBARAYAN :—“ The Government have come to their final conclusions. They will consider whether this report can be released.”

SRI S. B. ADITYAN :—“ May I know, Sir, whether this historical note shows that the Congress passed resolutions as early as 1886 pressing for this reform of separation of the judiciary from the executive?”

MR. PRESIDENT :—“ That is a matter of history ! ”

SRI S. B. ADITYAN :—“ This is a historical note, Sir.”

MR. PRESIDENT :—“ It is confidential, I suppose.”

Publications of the Government of India which the Madras Legislature Library subscribes for.

* 116 Q.—SRI B. NARAYANASWAMI NAYUDU : Will the Hon. the Home Minister be pleased to state what the several publications are of the Government of India which the Madras Legislative Library subscribes for—whether they include all the publications of the Government of India in their various activities; if not, what the publications are, which are not subscribed for and why they are not subscribed for?

THE HON. DR. P. SUBBARAYAN :—“ The following publications of the Government of India are regularly being subscribed for by the Library of the Madras Legislature :—

- (1) Debates of the Central Legislative Assembly.
- (2) Debates of the Council of State.
- (3) Debates of the Constituent Assembly.
- (4) Government of India Gazette.
- (5) Acts passed by the Central Legislature.

It may not be possible to give an exhaustive list of all the publications of Government of India in their various activities. In addition to the abovementioned any other useful publications such as reports of committees or commissions appointed by Government of India are also got as and when they are published.”

SRI B. NARAYANASWAMI NAYUDU :—“ Has the Tariff Board Report been got ? ”

[6th November 1947]

THE HON. DR. P. SUBBARAYAN :—“ As I said, Sir, it is impossible to give an exhaustive list. But I believe an important thing like the Tariff Board Report would be got by the Library.”

SRI B. NARAYANASWAMI NAYUDU :—“ Would all economic enquiry reports be got or can be got? ”

THE HON. DR. P. SUBBARAYAN :—“ I shall try to find out what is being got. I shall also find out what will be necessary.”

SRI P. R. K. SARMA :—“ May I know whether the publications of the International Labour Office and the United Nations Organization are subscribed for; if not, whether they will be regularly subscribed for? ”

THE HON. DR. P. SUBBARAYAN :—“ This question refers to the Government of India altogether. The hon. Gentleman can put another question if he wishes information on the point he has raised.”

Alleged blackmarketing of rice.

* 117 Q.—SRI S. B. ADITYAN : Will the Hon. the Minister for Food be pleased to state—

(a) whether in a press interview on the 11th September 1947, the Hon. the Minister for Rural Development stated that during his tour of the Presidency he found widespread blackmarketing of rice;

(b) whether in the same interview he stated that he also found corruption among lower officials;

(c) whether it is a fact that the said evils, namely, widespread blackmarketing of rice and corruption among lower officials exist in this Province; and

(d) what steps have been taken, or are proposed to be taken by the Government, to eradicate the said evils?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Minister for Food) :—“ (a) Yes.

“ (b) Yes.

“ (c) Both these evils are present, but their extent seems to differ from district to district.

“ (d) Drastic action is being taken in respect of offences relating to blackmarketing of rice and the rules and regulations in this regard are being strictly enforced and any infringement that comes to notice will be seriously dealt with. The measures taken by the Government to put down corruption among Government servants and the remedies prescribed for checking the spread of the evil have been embodied in Press Communiqué No. 26, dated 19th July 1946, which was placed on the table of the House with reference to Legislative Assembly question No. 176/46 answered on 7th September 1946. The Government have also recently constituted a Committee to

6th November 1947]

enquire into the question of corruption among Government servants and to suggest ways and means of dealing with it. Further action in the matter will be taken after the committee's report is received."

SRI S. B. ADITYAN :—" Are not these evils due to the existence of controls? Will not these evils be effectively eradicated by the removal of controls? "

THE HON. DR. P. SUBBARAYAN :—" That is entirely a matter of opinion, Sir."

Servicemen discharged from the Defence Forces.

* 118 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Food be pleased to state—

(a) the number of servicemen from this Province who have been discharged so far from the Defence Forces;

(b) the number of discharged men who have been resettled in this Province;

(c) the nature of the assistance given to settle them in life;

(d) the number of institutions started for their benefit, their location, facilities available and the number employed or settled in each; and

(e) the expenditure involved in resettling ex-servicemen and whether the whole or any part of it is borne by the Government of India?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Minister for Food) :—" (a) The number of servicemen discharged up to 31st July 1947 so far as information is available with the Government is 208,491.

" (b) The number resettled is 48,216 including discharged war workers.

" (c) The Employment Exchange organization set up by the Government of India and the District Employment Offices established by this Government assist the ex-servicemen in resettling in life by finding them suitable employment under the Provincial and Central Governments as well as in private undertakings and firms. The Government of India have undertaken Technical and Vocational Training of Ex-servicemen and Ex-servicewomen in various trades so as to promote their efficiency in civil employment. A number of Co-operative Workshops, Motor Transport Societies and Land Colonization Co-operatives including some miscellaneous co-operative schemes have been sanctioned by the Government of Madras for resettlement of ex-servicemen.

" (d) A statement giving the particulars is placed on the table of the House.

" (e) So far a sum of Rs. 18,30,000 has been spent on the Provincial Resettlement schemes by this Government. The

[6th November 1947]

Government of India have promised a contribution of a third of the cost subject to a maximum of Rs. 500 per colonist for the Land Colonization schemes. They have since declined to make any contribution towards the Co-operative Workshop schemes.

Besides this, a sum of Rs. 8,30,600 is being met from the Provincial funds towards the Central Government schemes such as Technical and Vocational Training schemes and Employment Exchange organization. This amount represent 40 per cent of the total cost of the schemes."

SRI P. R. K. SARMA :—" May I know, Sir, whether all the co-operative societies organized for the employment of ex-servicemen are working economically? "

THE HON. DR. P. SUBBARAYAN :—" I believe so, Sir."

SRI P. R. K. SARMA :—" May I know, Sir, whether there are proposals under the consideration of the Government for closing down the Strathie Co-operative Society and Hood Co-operative Society for ex-servicemen? "

THE HON. DR. P. SUBBARAYAN :—" I have not got the information, Sir."

SRI R. SURYANARAYANA RAO :—" In view of the large amounts that are being spent and in view of the fact that the number of people benefited by these schemes is so small, will the Government consider the desirability of either re-examining the existing schemes and closing down some of them, or substitute some other schemes which are more useful and attractive to ex-servicemen? "

THE HON. DR. P. SUBBARAYAN :—" I may say for the information of the hon. Member that a re-examination and reconsideration are being made at present."

SRI P. R. K. SARMA :—" May I know, Sir, whether in the co-operative societies intended for ex-servicemen a large number of other workers also are employed? "

THE HON. DR. P. SUBBARAYAN :—" It may be so, Sir."

SRI P. R. K. SARMA :—" May I know whether in the Strathie Co-operative Society a large number of workers are employed than even actual ex-servicemen, and whether there are any proposals under consideration for closing it down, because it is uneconomical."

THE HON. DR. P. SUBBARAYAN :—" I shall make an enquiry, Sir."

Publication of the report regarding revision of salaries.

* 119 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state whether the Government have considered the desirability of publishing the Cabinet Sub-Committee's Report on the revision of salaries or of at least placing it in the library of the Legislature for the benefit of the Members of the Legislature?"

6th November 1947]

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. Sri B. Gopala Reddi) :—“ The report of the Cabinet Salaries Committee is ‘ Confidential ’ and intended for official use only, and the Government do not consider it desirable to publish the report. For the same reason, the Government regret that the report cannot be placed in the Library of the Legislature.”

SRI P. R. K. SARMA :—“ May I inquire whether the report was not actually published in the newspapers? ” 11-16 a.m.

THE HON. SRI K. MADHAVA MENON :—“ The Government did not publish the report in any newspaper.”

SRI P. R. K. SARMA :—“ When the report has been published in the newspapers and has been made available for the public, may I know how can the Government treat it as confidential? ”

MR. PRESIDENT :—“ The Government say they have not published it in the newspapers.”

SRI R. SURYANARAYANA RAO :—“ Is it not a fact, Sir, that reference to it is made in Government Orders? ”

THE HON. SRI K. MADHAVA MENON :—“ Yes, Sir. It does not mean Government should publish the report.”

SRI R. SURYANARAYANA RAO :—“ To understand the Government Order correctly, is it not necessary to know what the report contains? ”

THE HON. SRI K. MADHAVA MENON :—“ I said Government do not consider it necessary to publish the report.”

SRI P. R. K. SARMA :—“ If the Government consider the report confidential, may I know what other arrangements are there for the workers concerned to know what the recommendations of the Committee are? ”

THE HON. SRI K. MADHAVA MENON :—“ The orders passed on the report are there.”

SRI P. R. K. SARMA :—“ May I know whether it has been brought to the notice of the Government that there are any number of contradictions between the actual recommendations of the report and the orders passed thereon by the Government? ”

(No answer.)

Installation of oil expellers by the Birla Brothers in their factory at Kurnool.

* 120 Q.—SRI R. SURYANARAYANA RAO : With reference to answer to question No. 28 and the supplementary questions arising out of that answer will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that the question whether the Birla Brothers should be allowed to install expellers in their factory at Kurnool has been referred to the Government of Madras for decision, by the Government of India;

[6th November 1947]

(b) whether in view of the undertaking given by the Birla Brothers that they would purchase groundnut oil from local millers referred to in the Press Note No. 123, dated 18th September 1946, the Birla Brothers have been informed that they cannot instal expellers; and

(c) what steps the Government propose to take to insist on the fulfilment of the undertaking given by the Birla Brothers?

THE HON. SRI H. SITARAMA REDDI :—" (a) Yes, Sir.

" (b) & (c) Representatives of the company informed this Government that they would take as much oil as they require from local supplies."

SRI R. SURYANARAYANA RAO :—" I do not understand the vague answer ' they would take as much oil as they require.' Have they agreed to abide by the undertaking given by them, which is referred to in the Press Note No. 123, dated 18th September 1946? "

THE HON. SRI H. SITARAMA REDDI :—" Yes, Sir."

SRI R. SURYANARAYANA RAO :—" If so, may I inquire, whether the Government have taken steps to find out whether all the requirements of the Birla Brothers can be supplied by the existing millers and see that no oil expellers are installed in the factory by the firm? "

THE HON. SRI H. SITARAMA REDDI :—" There are legal difficulties in the way of preventing installation of oil expellers by the firm."

SRI R. SURYANARAYANA RAO :—" May I inquire, Sir, if the Birla Brothers are prepared to purchase all the groundnut oil required, locally from the local millers, and if the local millers are in a position to supply all that, then the question of installing their own oil expellers by the firm does not arise? "

THE HON. SRI H. SITARAMA REDDI :—" When the scheme was sanctioned the agreement contained a clause to instal oil expellers. And now the Government cannot prevent the installation of such expellers to the extent the local millers are able to supply."

SRI R. SURYANARAYANA RAO :—" May I inquire whether the Government of India gave no option to the Birla Brothers to instal oil expellers or not, but insisted on their not installing any oil expellers in the factory."

(No answer.)

SRI R. SURYANARAYANA RAO :—" Is it not a fact, Sir, that the Government of India, in a communication, have given power to Madras Government to allow or not to allow the firm to instal oil expellers and a copy of which has been sent to the Oil Millers' Association? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, no doubt, permission was granted, and we have examined it and found

6th November 1947]

that there are legal difficulties in the way of preventing expellers being installed and I cannot give more information than that."

Starting of a College in Cuddapah.

* 121 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether Cuddapah is the only district in which facilities for collegiate education do not exist;

(b) whether the Government have received any representation from the people of Cuddapah requesting them to start a Government College; and

(c) whether the Government have considered or propose to consider the question favourably?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

" (a) No. There is no college in the Nilgiri district also.

" (b) Yes.

" (c) The matter is under consideration."

SRI B. NARAYANASWAMI NAYUDU :—" May I know what the population of the Nilgiri district is? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

" About 3½ lakhs."

SRI R. SURYANARAYANA RAO :—" May I know whether actual consideration will be given to the proposal in the near future, or is it merely the usual answer 'the matter will be considered'."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—

" I would allow the hon. Member to draw his own conclusion."

Children's Home in the Province.

* 122 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of Homes in the Province where children are maintained apart from their parents and guardians and which are subject to inspection by any Government department;

(b) what arrangements exist for such inspection;

(c) whether there are Homes which are not subject to inspection; and

(d) what steps are proposed to make inspection possible in the case of all Homes?

THE HON. SRI K. MADHAVA MENON :—" (a) *Homes of Reformatory nature* (under the control of the Certified Schools department)—11 (4 Government Certified Schools, 3 private Certified Schools and 4 Remand Homes).

Other Homes (Boarding Homes and Orphanages under the control of the Education department)—312.

[6th November 1947]

" (b) *(i) Homes of Reformatory nature—Certified Schools.*—The Chief Inspector of Certified Schools is required under the Madras Children Act to inspect every certified school at least once in every year. The schools are liable to inspection by the Chief Inspector at all times and in all their departments. The schools are also inspected by the committee of visitors, if they are Government Certified Schools. If they are private certified schools they are inspected by the governing body when they hold their monthly meetings; and the members of the governing body nominated by Government are also expected to visit the schools, apart from their attendance at the monthly meetings, at least once a quarter, the visits being made informally and without notice.

Remand Homes.—Remand Homes are visited by the Chief Inspector of Certified Schools annually, and by local officials periodically. For example, the City First-class Magistrate, Madura, and the President, Juvenile Court, Madura, visit the Remand Home at Madura regularly twice a month. The Health Officer of the Madura Municipality pays periodical visits. The Remand Home at Vellore is periodically visited by the Subdivisional Magistrate, who is also the President of the Children Aid Society, Vellore. The Remand Home at Salem is visited on all court days by the President of the Juvenile Court. Other officials also visit the institution occasionally. The Remand Home at Madras run by the Madras Children Aid Society is visited occasionally, e.g., by the Chief Presidency Magistrate and others.

(ii) *Other Homes* (under the control of the Education Department).—The Inspecting Officers are required to pay surprise visits to Boarding Homes in addition to the usual annual inspection and note whether the inmates are properly fed and whether the food supplied is wholesome enough to keep the inmates in a healthy condition. They are also required to see whether the inmates are kept in healthy surroundings and to this end the institutions are required to produce a sanitary certificate from a medical officer or an officer of the Public Health department.

" (c) All Homes under the control of Government are subject to inspection.

" (d) In view of the answer to clause (c), this does not arise."

Levy of tree tax.

*123 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether any tree tax is levied in the Province;

(b) what are the trees liable to pay the tax;

(c) what amounts were realized through the tax since 1941-42 (yearwar and districtwar); and

6th November 1947]

(d) whether the Government have any information that the tax is still being collected in respect of trees which have ceased to exist?

THE HON. SRI KALA VENKATA RAO :—“(a) Yes.

“(b) The trees are the tamarind, mango, jack, illupai, ramyra, coconut and date.

“(c) A statement^a containing the information is placed on the table of the House.

“(d) The Government have no information.”

SRI S. B. ADITYAN :—“May I enquire how is it that this tree tax which was nothing at all in 1943–44 in Tinnevely district jumped up to thirty thousand and odd rupees in the next year?”

THE HON. SRI KALA VENKATA RAO :—“Perhaps many evasions have been found out.”

SRI S. B. ADITYAN :—“May I inquire whether this tree tax does not form part of the permanent settlement and as such is collected as part of the land revenue?”

THE HON. SRI KALA VENKATA RAO :—“The permanent settlement does not apply to Tinnevely district, it is only ryotwari settlement that applies.”

Abolition of the Revenue Board.

* 124 Q.—SRI S. B. ADITYAN : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government propose to abolish the Revenue Board;

(b) whether a report in this connexion was submitted by the Board;

(c) if so, whether the Government will place the report on the table of the House;

(d) what the main functions of the Board are; and

(e) what other department or officer would exercise the functions of the Board, in the event of the abolition of the Board?

THE HON. SRI KALA VENKATA RAO :—“(a) & (e) The matter is under the consideration of the Government.

“(b) Yes.

“(c) As the report is a confidential one, Government do not propose to place it on the table of the House.

“(d) A list^b of the main functions of the Board is placed on the table of the House.”

Affairs relating to the Fisheries Department at Ennore.

* 125 Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that the Government have sanctioned some lorries for the transport of fish baskets from Ennore and other intermediate stations to Madras;

^a Printed as Appendix III on pages 649–650 infra.

^b Printed as Appendix IV on page 650 infra.

[6th November 1947]

(b) whether the fishermen and their womenfolk who carry fish baskets in the lorries are being abused by Mr. Giriappa, Superintendent of the Fisheries Department;

(c) if so, what action the Government propose to take in the matter;

(d) whether it is a fact that very often the Superintendent of the Fisheries Department diverts some of the lorries to Arambakkam and thus causes inconvenience and loss to the fishermen in the locality;

(e) whether it is a fact that there are no facilities for weighing the fish baskets brought into the lorry in the intermediate stations and that the assessment is made arbitrarily;

(f) whether it is a fact that often the assessment is not brought into accounts;

(g) whether it is a fact that Mr. Giriappa has been Superintendent of the Fisheries Department in that locality for more than five years; and

(h) whether there is any proposal before the Government to appoint a new Superintendent?

THE HON. SRI V. KURMAYYA :—“(a) The answer is in the affirmative.

“(b) The allegation is not true.

“(c) Does not arise.

“(d) In the beginning when it was found that three vans out of the four were sufficient for the needs of bringing fish from Ennore, the fourth was put into service between Arambakkam and Madras. This has since been discontinued as the van is in need of repairs and laid up in a workshop.

“(e) The transport of fish from intermediate stations is rare. There are no facilities for carrying weighing machineries in the vans nor is it practicable to have them at the intermediate stations en route. Whenever way-side consignments are taken in their approximate weights are assessed and dealt with accordingly.

“(f) This is not correct.

“(g) The post of Superintendent of Ennore fisheries station was created only a little more than a year ago by the conversion of the post of Laboratory Assistant held by Mr. Giriappa, who has put in more than five years service at Ennore.

“(h) The answer is in the negative.”

* SRI S. B. ADITYAN :—“Mr. President, on this last question I wish to raise a point of order and ask you to give a ruling. Sir, this question relates to an alleged misconduct of a certain official and the point of order I wish to raise is whether questions imputing misconduct to individual officials are admissible in this House. I wish to point out that a similar point of order was raised in the Assembly a few days ago and a ruling was given that questions which merely allege misconduct of particular officials

6th November 1947]

should not be asked without first taking the matter to the notice of the Minister concerned. I believe the Leader of the other House who is also the Home Minister gave the undertaking that he will be prepared to listen and deal with allegations which may be brought forward against particular officials. We have also the rule 28 (7) of the Council Rules, which says that questions should not relate to private or parochial interest. Apart from this question, whether it is private or not, I submit it is desirable to have uniform rules of procedure for the Assembly and the Council and I submit it would be in the best interests if mere personal allegations are not made on the floor of the House by way of questions or supplementary questions before they are brought to the notice of Ministers. I submit a ruling given will help to keep the proceedings at a high and healthy level."

* SRI B. NARAYANASWAMI NAYUDU :—" The subject of this question is that some womenfolk, fisherwomen, were abused by an officer of the Government. Has this House no right to ask whether that is just and proper? That is the only point here."

SRI C. N. MUTHURANGA MUDALIYAR :—" Sir, it is not a personal attack or a parochial matter. It is a matter affecting the whole community of fisherwomen who are involved in this question."

MR. PRESIDENT :—" I allowed this question, but I am not giving it as an answer to this point of order. I am only mentioning it for the reason that I thought that it was not objectionable. Regarding the point of order raised, I would like to make the position clear. I do not think there can be a general rule to the effect that no question of any sort imputing any kind of conduct or misconduct to a public servant should be raised here. I do not think there can be such a general prohibition. So far as this question is concerned, I agree with Mr. Narayanaswami Nayudu that a question asking for information whether or not an official abused some people who had to go to him in the discharge of his duties is one for Government to know and is also of public interest. So I allowed this question. But at the same time I would like hon. Members before they put questions of this nature to take the question to the Minister concerned, and if the hon. Member does not get an answer or is not satisfied with the answer, or thinks the public should know, then it may be desirable to bring it before the House. But without taking such a direct step I do not think it would be desirable to bring it here. This is not a ruling; but that is what I feel in the matter."

* SRI C. N. MUTHURANGA MUDALIYAR :—" I submit on a point of information, Sir, that this question was not put off-hand. I received a communication from the leaders of the community concerned and they have also sent their communication to the Hon. Minister primarily. Only a copy of it was sent to me and I endorsed it and sent it to the Minister concerned. It was only after that that I tabled this question for answer because I did not receive any reply to my communication."

11-30
a.m.

[6th November 1947]

III.—MESSAGES FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House the following message, dated Fort St. George, the 3rd November 1947, received by me from the Hon. the Speaker of the Madras Legislative Assembly :—

‘ In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947), as passed by the Assembly on the 3rd November 1947 and signed by me for the concurrence of the Council.’

“ I have to announce to the House the following messages, dated Fort St. George, the 4th November 1947, received by me from the Hon. the Speaker of the Madras Legislative Assembly :—

‘ (1) In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Betting Tax (Amendment) Bill, 1947 (L.A. Bill No. 29 of 1947), as passed by the Assembly on the 4th November 1947 and signed by me for the concurrence of the Council.

(2) In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Abkari (Amendment) Bill, 1947 (L.A. Bill No. 30 of 1947), as passed by the Assembly on the 4th November 1947 and signed by me for the concurrence of the Council.

(3) In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Prohibition (Amendment) Bill, 1947 (L.A. Bill No. 31 of 1947), as passed by the Assembly on the 4th November 1947 and signed by me for the concurrence of the Council.’ ”

IV.—AMENDMENTS TO RULE 111 OF THE MADRAS COUNCIL RULES.

THE HON. SRI K. MADHAVA MENON :—“ I move, Sir, for leave to amend rule 111 of the Madras Council Rules as under :—

‘ (a) For the last two lines of sub-rule (1), after the word “ Bill ”, the following shall be substituted :—

“ and such a motion shall state the total number of members of both Houses to be appointed to the Committee.”

(b) At the end of sub-rule (2), the following shall be added :—

“ to the appointment of a Joint Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (4).”

‘ (c) For the proviso to sub-rule (3), the following shall be substituted :—

“ Provided that the member in charge of the Bill, and the Member of Government in charge of the department to

6th November 1947] [Sri K. Madhava Menon]

which the Bill relates, shall be nominated as members of the Joint Committee by the House or Houses of which they are members."

(d) *For sub-rule (4), the following shall be substituted :—*

" (4) The total number of members of a Joint Committee shall not exceed 30 and on every Joint Committee, the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2 : 1."

" I need not dilate upon the necessity for the amendment. The existing sub-rule (4) of the rule 111 fixes the proportion of the number of members of each Chamber on the joint select committees of both the Houses as 1 : 1. During the discussion on the motion for the appointment of a joint select committee to consider the Suppression of Immoral Traffic (Amendment) Bill, in the Assembly, the question was raised whether it was necessary to refer the matter to a joint select committee at all and then the general question of referring to joint select committees was raised. Therefore the Hon. the Speaker suggested to the Leader of the House of the Assembly, Dr. Subbarayan that the rule should be amended as under the existing rules of giving half and half it was found difficult to give proper representation to the other House in the joint select committee. So the matter was raised up here also and complaints were made that joint select committees were not appointed for the consideration of important Bills. Many difficulties are felt. The existing rules provide a maximum of 15 members in the joint select committee and when this is to be divided between the two Houses in the proportion of half and half it can only be done if the number is 14. It was found very difficult to select seven members in a House consisting of 215 members though it may not be difficult in a House like ours where the strength is about 55. So it was decided by the Government with the permission of the Hon. the President to amend the rule and bring in a motion to amend the rule. The number of members in the joint select committee has been increased from 15 to 30 and the proportion of the two Chambers, namely, Assembly and the Council is to be 2 to 1, instead of having 1 to 1. I hope, Sir, that this will have the approval of the Members and there would not be any reason for complaining that hon. Members of this House are not being taken in the select committees when important matters are discussed."

The motion was put and carried and leave was granted.

MR. PRESIDENT :—" Under rule 135 of the Madras Council Rules, the draft amendments have now to be referred to a Select Committee. Six members of the Select Committee have to be elected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf, the President, the Deputy President and the Hon. the Minister for Agriculture, being ex officio members of the Committee. One of

[Mr. President]

[6th November 1947]

the members of the panel of Chairmen is to be nominated by me as a member of the Committee. I fix 3 p.m. to-day as the hour within which nominations may be handed over to the Secretary.

"If the number of candidates nominated exceeds the number of vacancies to be filled in, namely, six, then there will be an election between 12 noon and 2 p.m. on Friday, the 7th November 1947."

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

V.—BILLS.

(1) THE MADRAS BETTING TAX (AMENDMENT) BILL, 1947
(L.A. BILL NO. 29 OF 1947)

THE HON. SRI B. GOPALA REDDI :—"Mr. President, Sir, I beg to move—

'that the Madras Betting Tax (Amendment) Bill, 1947 (L.A. Bill No. 29 of 1947), as passed by the Assembly, be taken into consideration at once.'

"Recently, Sir, we had a discussion whether racing and betting in the Presidency should be allowed, on the motion moved by the hon. Member Mr. Abdul Latif Farookhi. The Hon. the Home Minister is taking steps to give notice of the Bill that was published some months ago and the House will have an opportunity of discussing about the main problem itself. This amending Bill seeks to enhance the rate now existing, namely 6½ per cent to 12½ per cent. So the issue is very simple, namely whether it should remain at 6½ per cent or it should be 12½ per cent. That is the main issue before us now. In 1946 the people in the Race Course enhanced the admission of Re. 1 to Rs. 2-8-0 and the betting unit of Rs. 2-8-0 into Rs. 5 and the result was really very telling. When the admission fee was Re. 1 and the unit of betting was Rs. 2-8-0 in the second enclosure 11,982 people attended on an average the race course at Guindy and last November when the admission fee was raised from Re. 1 to Rs. 2-8-0 and the betting unit from Rs. 2-8-0 to Rs. 5 the attendance came down to 6,594 people on the average. The second enclosure people cannot have any access to the book-makers. It is only the first enclosure people who can go to the book-maker and have the pleasure of betting on any horse. But the second enclosure people can only go to the totalizator where the betting rate is only Rs. 5.

"I may also give some figures for the benefit of the House, Sir, as to how the Government was getting a small income out of this betting tax. In 1943 it was enhanced from 4 per cent to 6½ per cent. From 1935 to 1943 the rate remained at 4 per cent and in 1943 it was enhanced to 6½ per cent and now we are proposing to increase it further to 12½ per cent. The income derived from 1939-40 is as follows: 1939-40, Rs. 1.66 lakhs; 1940-41, Rs. 1.40 lakhs; 1941-42, Rs. 1.37 lakhs; 1942-43, Rs. 2.01 lakhs; 1943-44, Rs. 6.71 lakhs; 1944-45, Rs. 10.61 lakhs; 1945-46, Rs. 19.11 lakhs and in 1946-47 it was over Rs. 23 lakhs.

6th November 1947] [Sri B. Gopala Reddi]

Besides the betting tax it is also subjected to the entertainments tax and the Government is also considering the enhancement of the rate of the entertainments tax to 33½ per cent. So this Rs. 2-8-0 and Rs. 5 ticket are also subject to entertainment tax. Last year the Government derived Rs. 1,41,000, 90 per cent of which went to the Chingleput District Board, the Madras Corporation and the Saidapet Municipality. Now that the Saidapet Municipality has come into the City Corporation, the City Corporation will get the benefit. These are some of the figures which I have given for the benefit of the House. As I have already stated, Sir, the issue is very simple whether it should be 6½ per cent or whether it should be raised to 12½ per cent. I have clearly stated in the Statement of Objects and Reasons that the betting tax will be leviable only so long as horse-racing is permitted in this Province. And the Home Minister is giving notice of the Bill and the House will have the advantage of discussing that in a few weeks. So, Sir, I request that the discussion may be confined to the tax portion of the Bill alone."

SRI S. B. ADITYAN :—" Is the tax, 33½ per cent entertainment tax plus 12½ per cent betting tax? "

THE HON. SRI B. GOPALA REDDI :—" On the admission fee of Rs. 2-8-0 and Rs. 5 the entertainment tax will be levied and the tax on betting is being increased from 6½ per cent to 12½ per cent."

SRI B. NARAYANASWAMI NAYUDU :—" How much additional revenue will the Government derive from this increase, Sir? "

THE HON. SRI B. GOPALA REDDI :—" We expect some Rs. 10 to Rs. 15 lakhs. Of course the law of diminishing return will act. It is now Rs. 23 lakhs and in future it may not be more than Rs. 35 lakhs."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, I 11-45
rise to oppose the Bill that has been moved by the Hon. Finance a.m.
Minister. I feel, Sir, that it is a camouflage to continue the betting on horses. We want to know whether the Government is going to stop betting or continue it by increasing this tax. Increase in the tax means that there is a fresh lease for the Madras Race Club."

THE HON. SRI B. GOPALA REDDI :—" The decision of the previous Government was that racing might continue from November 1947 to June 1948 at Madras and Ootacamund."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I am glad, Sir, the Hon. Finance Minister has given this definite assurance . . . "

THE HON. SRI B. GOPALA REDDI :—" I have not given any definite assurance. I only said that the Home Minister had given notice of a Bill and the House will have to decide whether betting will be allowed to continue or will be modified."

[6th November 1947]

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" We want to know from the Government what their policy is in the matter, whether this House or the other House permits the thing. I thought the Hon. Finance Minister gave an assurance to us on the matter, but he at once turns round and says that he has not given any assurance. It is because of that, as I said at the beginning, I think this is only another way of giving a long lease to the Madras Race Club to continue the betting on races.

" Sir, I do not know why the Hon. the Home Minister has not come forward with this Bill now. Perhaps because this is a Finance Bill, the Hon. Finance Minister has come forward with it. Sir, the entertainment tax also is evaded by the race club people by giving a large number of free tickets. I want the Hon. Finance Minister to examine this question also and find out how many free tickets are given by the race club and how much entertainment tax can be collected on those tickets. Sir, my party in the other House has said that it does not want this tainted money. A few lakhs of rupees is nothing. When we are prepared to forgo crores of rupees by introducing prohibition why should we not lose a few lakhs of rupees by preventing betting on horses? The Hon. the Finance Minister said that a smaller number of people were going to the race course after the enhancement of the price of the ticket for the second enclosure. Has the Hon. Minister found what is the actual amount of betting money paid to the race club even though the number of people is smaller? "

THE HON. SRI B. GOPALA REDDI :—" It can be calculated from the amounts paid to the Government."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" The statement made by the Hon. Minister just now shows that the amount has been gradually increasing from about one lakh of rupees to twenty-three lakhs of rupees. Though the number of people going to the second enclosure is small, the amount spent in betting on horses is much larger."

THE HON. SRI B. GOPALA REDDI :—" There is the first enclosure and there are the book-makers."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, if the Hon. Dr. Subbarayan had spoken on this question, he would have been able to enlighten us on this question much better. Sir, in spite of the fact that a smaller people go to the second enclosure, these people bet in the first enclosure also with the book-makers."

THE HON. SRI B. GOPALA REDDI :—" How does the hon. member know it? Is it from personal experience? "

MR. PRESIDENT :—" What is the relevance of this to the Bill before the House? "

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I want to show that the evil has not stopped."

6th November 1947]

MR. PRESIDENT :—" That is evident on the face of it."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I want to show that the argument of the Government is untenable."

K. UPPI SAHIB BAHADUR :—" May I know, Sir, what is the first enclosure, what is the second enclosure, who are book-makers and so on? "

MR. PRESIDENT :—" I would advise the hon. Member to go to the race course one day." (Laughter.)

K. UPPI SAHIB BAHADUR :—" I would not like to go there, Sir."

MR. PRESIDENT :—" The hon. Member may consider only the question of the enhancement of the tax and say whether he agrees to the enhancement or not. As it is, racing will go on until something else happens. The point is: under the present circumstances would you like the tax to be enhanced or not? "

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" On that point, Sir, as I have said, my party is opposed to getting this tainted money . . ."

MR. PRESIDENT :—" The more you get, the more tainted it is! "

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" The more you get, the more tainted it is. You are quite right in saying that.

" The argument advanced by the Hon. Finance Minister is that lesser number of people go to the second enclosure and the evil is less. It is not so. If ten persons go to the second enclosure, they send one of them to the first enclosure. If the ticket for the first enclosure is ten rupees, one man takes a ten-rupee ticket and goes in and all the others remain in the second enclosure. There is no barrier between the first and second enclosure which will not permit of their speaking to each other. The man in the first enclosure ascertains the views of the people left in the second enclosure as to the horse they want to bet. He collects all the money from the second enclosure and bets in the first enclosure with the book-makers. The fact that you restrict the number of people going to the second enclosure does not therefore in any way lessen the evil. The argument advanced by the Hon. Minister in that regard is not correct."

MR. PRESIDENT :—" If the hon. member's argument is that the people in the first and the second enclosures communicate with one another, then the lesser the number in the second enclosure, lesser will be consultation."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Even though the consultation is reduced, the amount that is spent in

[Abdul Latif Farookhi Sahib Bahadur] [6th November 1947]

betting on horses is not in any way reduced. You charge the book-makers, Sir, but there are people who do not possess books. A large number of Marwaris go there, sit in the enclosure and receive betting money as book-makers do without, of course, possessing books."

THE HON. SRI B. GOPALA REDDI:—"Suppose, Sir, we abolish betting on horses in Guindy and people bet on Derby sweeps, what shall we do?"

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"That is not our concern, Sir. Suppose you introduce prohibition in a particular place and people there go to some other place and drink. On that account, would you not abolish drink?"

THE HON. SRI B. GOPALA REDDI:—"What they do clandestinely, we cannot prevent."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"The argument advanced by the Hon. Finance Minister is not correct. What is done behind our backs is not our concern. We are going to legislate for the good of the province. If we can prevent an evil in the province, we are not going to take responsibility for what takes place in Derby, Germany, America or other places. If people drink somewhere is it necessary for us to give up prohibition? The whole world cannot become dry; on that account should we give up prohibition? The Government's proposal to increase the taxes at the present moment is not correct, if they really want to prevent betting . . ."

MR. PRESIDENT:—"The Hon. Minister did not say that they want to prevent betting. That was not his argument."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Then, Sir, that is all the greater reason for us to oppose the amendment, because we do not simply want a tax on betting."

MR. PRESIDENT:—"I think the House understands the hon. Member quite well."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"We are not going to be satisfied with getting a few lakhs of rupees for the Government. We want the economic condition of the people to be bettered and the moral character of the people to be improved. Are you going to do this by raising this tax from 6½ per cent to 12½ per cent? Will the standard of morality of the people be raised by raising this tax? An Independent National Government of which we are proud must look to the betterment of the people and the raising of the moral standard of the people. Then only we as a National Government will have a right to rule over the people. I submit, Sir, we should not care for the tainted money that is sought to be got by the enhancement of this tax. I would rather say that it must be a shame to any legislature, any Government and any people to do so. I would therefore request the Government not to proceed with this small measure, but bring in

6th November 1947] [Abdul Latif Farookhi Sahib Bahadur]

a comprehensive Bill to stop betting on horses altogether. My hon. Friend Dr. P. Subbarayan said the other day that they wanted to encourage horse-breeding. I do not want to go into the details."

MR. PRESIDENT :—"Does the Hon. Dr. Subbarayan feel sufficiently provoked to give a reply."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"He is a very patient man and will not be easily provoked though I may try to provoke him. How can you prevent the betting going on there? There are the stewards. I do not think Hon. Dr. Subbarayan is a steward now."

MR. PRESIDENT :—"We may take it for granted that betting will go on and will be there. The hon. Member need not labour the point further."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"I want to labour this point, Sir. I want to tell the Government that betting should be stopped."

MR. PRESIDENT :—"The hon. Member has said that a number of times."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"I repeat it now, because it is a thing which has to be repeated again and again till we achieve our object. The fact that it is repeated simply goes to show . . ."

MR. PRESIDENT :—"The hon. Member may repeat it on different occasions."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"This is also an occasion to repeat it. I submit, Sir, that my party and most of the hon. Members on this side of the House would not like to have a few lakhs of rupees from this source which will not be for the benefit of the people at large. Sir, if you want money, why not give up prohibition? Crores will be saved by that and you will be able to serve a large number of people. There are the non-gazetted officers suffering a lot. I do not know what is going to happen to them. If you save all the money which you spend on prohibition all these people can be helped. Why seek only a few lakhs of rupees? Why not put your hands on crores of rupees? But I say, Sir, that even crores of rupees should be spent and even lives sacrificed for raising the moral standard of the people and you are right in doing that with regard to prohibition. Why not tread the same righteous path here also. This is an evil much greater than the drink evil. I said last time and I repeat it again that a whole fortune can be gambled away with a book-maker, whereas a man cannot spend more than a hundred rupees in drink in a day."

MR. PRESIDENT :—"I do not know how the hon. Member is so sure about the capacity of a drunkard." (Laughter.)

[6th November 1947]

* ABDŪL LATIF FAROOKHI SAHIB BAHADUR :—“ The minimum capacity for a day, Sir. Of course a man can drink for a hundred rupees or a thousand rupees or a lakh of rupees. (Laughter.)

“ I am opposing this not because I am not in favour of the Government getting more money, but because I want that the Government should stop betting altogether. I do not want piecemeal legislation like this now when the Hon. Minister is thinking even though he has not promised, of bringing forward a comprehensive Bill. I do not know when the Government are going to introduce the Bill and whether it will be the same Bill moved by me. That Bill was turned down by the Government saying that they would themselves bring forward a Bill. I do not know whether the coming Bill will be an improvement on the old Bill. I request, Sir, that a comprehensive Bill may be brought forward abolishing betting on horses. I oppose this Bill, Sir.”

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noon.

* SRI S. B. ADITYAN :—“ I wish to say only a few words and conclude in two or three minutes. I merely want to point out that the argument advanced by the Hon. Finance Minister cannot stand examination. He said that the increase of the rate of entrance to the second enclosure from one rupee to two and a half rupees had done some good to the betting public and added that a further increase in the rate would bring down the evil still further. If we carefully look at the figures furnished by him, we will see that by reason of the increase the betting public have suffered more. He said that when rate of entrance to the second enclosure was one rupee, the average attendance in the Guindy Race Course was 11,982 and that when the rate was enhanced, the average attendance was only 6,594. The attendance may be less if you count the number of heads. But what we have got to look at is the amount spent. When the rate was one rupee, the amount spent Rs. 11,982 per day when it was enhanced to Rs. 2-8-0, the amount spent was Rs. 16,485. A less number of the betting public have spent more, and therefore the betting public have suffered more on account of the increase. (Mr. President : ‘ That is the object of the legislation.’) If the object is to fleece the betting public it is a different thing. But let it not be said that the increase in the betting tax will mitigate the evil. If increased income to the Government is a justification, the same argument can with equal validity be applied to toddy and other alcoholic drinks. Instead of abolishing the toddy shops, the tax could have been increased. (The Hon. Sri B. Gopala Reddi : ‘ That experiment also was tried.’) That is all the more reason why we should not try the experiment here. On the ground that the Government get some more revenue though it is only for a year or so, the Bill may be supported, but not on the ground advanced by the Hon. Minister that racing is an all-India policy and that it will improve the breed of horses in the country.”

K. UPPI SAHIB BAHADUR :—“ The present financial position of the province is so bad that the Hon. Finance Minister requires

6th November 1947] [K. Uppi Sahib Bahadur]

the sympathy of everybody. He is at his wit's end to find the necessary finance. We all have sympathy for him. But on this matter I have to oppose on principle. Gambling, drinking and games of chance are all included in the same category. This Bill aims at enhancing the income from a prohibited act. Betting is equally bad, if not more than drinking. We all know that the Congress, before they came into office, were all for purifying the nation and for weaning the people from immorality. But the moment they came into office, they have begun to justify some of the acts against which they were crying hoarse all these years. As my hon. Friend behind me (Abdul Latif Farookh Sahib Bahadur) told the House, this Bill is a camouflage. A Bill asking for permission to legally increase the tax shows that the Government are not going to prohibit racing altogether. Because the Government are in an awkward financial position, they want to get some more income from an immoral toll for meeting the deficiency.

"The income from betting tax may be 23 lakhs this year, and with the proposed increase it may be 35 lakhs next year. When we ask for prohibiting racing next year, the Government may turn round and say: 'We will be losing 35 lakhs; how are we to make good the loss? How are we to run the Government?' The Finance Minister will confront us with such questions when we plead for the abolition of racing, and we will have to help him. We are not going to be a party to such a position and we oppose the Bill on principle."

The motion was put and carried.

Clauses 2, 3, 1 and the Preamble were one by one put and carried.

THE HON SRI B. GOPALA REDDI :—"I move—
'that the Bill be passed into law.'"

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS ABKARI (AMENDMENT) BILL, 1947
(L.A. BILL NO. 30 OF 1947)

MR. PRESIDENT :—"It is a strange coincidence that Gambling and Betting and Prohibition Bills are coming on the same day." (Laughter.)

THE HON. MR. DANIEL THOMAS :—"But my Bill is on a higher plane.

"Mr. President, Sir, I move—

'that the Madras Abkari (Amendment) Bill, 1947 (L.A. Bill No. 30 of 1947), as passed by the Assembly ^a, be taken into consideration at once.'

[Mr. Daniel Thomas] [6th November 1947]

" This matter is a very simple one. Under Section 13 of the Madras Abkari Act, 1886, the Government have power to prescribe the quantity of liquor or intoxicating drugs that any person can possess. Clause (2) of the proviso to that section makes the section inapplicable to foreign liquor in the possession of any person for his *bona fide* private consumption and not for sale. The result is that a person can possess unlimited quantity of such liquor for his private consumption. Hon. Members of this House are well aware that shortly after the Congress Ministry assumed power, one firka in each district has been selected for intensive rural development. Under this scheme, various steps have been taken for improving the economic and social welfare of the people in the firkas. One such step is the closure of the abkari and opium shops. You will realize that a firka is a small dry area in the midst of a vast wet area so far as non-prohibition districts are concerned. We have experienced practical difficulties. For instance, Bezwada firka in the wet district of Kistna has been selected for intensive rural development, and the abkari and opium shops in that firka have been closed. But Bezwada is well served by the railway. One has only to board the train and go to the nearest station on either side of the firka to bring in unlimited quantities. The Government are losing a good deal of revenue by the closure of shops, but the position has become scandalous in Bezwada. In view of these circumstances, the present Amending Bill has been brought forward to empower the Government to limit the quantity of foreign liquor which any person can possess. I believe this is a matter to which all sections of the House will agree, as it is necessary for the proper working of the intensive rural development scheme. After all I believe this will be only a temporary measure. (Mr. President: Throughout the Province?) Power is taken for the whole province, though it will be applied to wet districts only by notification. After all, as I said, this will be only a temporary measure. Before long, the whole province will go dry. (Mr. President: I am sure you cannot make Kistna dry!) The Kistna should ever remain wet and irrigate the lands adjoining the river; that is the hope and prayer of the Madras Government. (Interruption.) The same thing may be applied to the Godavari as well.

" I hope the motion will be agreed to without demur."

The motion was put and carried.

Clauses 2, 1 and the Preamble were one by one put and carried.

THE HON. MR. DANIEL THOMAS :—" Sir, I move—

' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

6th November 1947]

(3) A BILL FURTHER TO AMEND THE MADRAS PROHIBITION ACT, 1937 (L.A. BILL NO. 31 OF 1947)

THE HON. MR. DANIEL THOMAS :—" Mr. President, Sir, I move—

' that the Madras Prohibition (Amendment) Bill, 1947 (L.A. Bill No. 31 of 1947) as passed by the Assembly ^a, be taken into consideration.'

" I think, Sir, that my work has been, to a certain extent, rendered easier by the hon. Members who have just spoken on the Bill regarding the enhancement of the betting tax, because they have expressed a general consensus of opinion in favour of the prohibition policy of the Government. This measure which is now before this August Assembly is in furtherance of the prohibition policy implemented by the Madras Government. Hon. Members of this House are aware that the Congress Party is committed to a policy of prohibition and in pursuance of this policy, the Madras Government have already introduced prohibition in 16 districts of this Province. There remains only 8 districts more; where, as I said a few moments ago, we hope to introduce prohibition before the end of next year. The object of the present Bill is to make the state of intoxication by itself liable to the prescribed penalty. Clause 4 of the existing Prohibition Act deals with penal provisions. Under clauses (i) to (j), whoever sells liquor or any intoxicating drug or consumes any intoxicating drug is rendered liable to a penalty. In the actual working of section 2, certain difficulties have arisen. As I said just now, prohibition has been introduced only partially in the Province. There are still 8 wet districts which either adjoin, abet or are in contiguity with the other 16 dry districts. What happens is that when there is a border which divides the wet area from the dry area, persons from the dry area cross the border and get into the wet area, go to the toddy and arrack shops, take a good draught and return to the dry area in a state of intoxication."

MR. PRESIDENT :—" Don't they consume here? "

THE HON. MR. DANIEL THOMAS :—" No, Sir, if they do so, they will come under the mischief of the present section."

SRI C. N. MUTHURANGA MUDALIYAR :—" They carry it in their stomachs! "

THE HON. MR. DANIEL THOMAS :—" Sir, as I said, the trouble is these specimen of humanity who cross the border, come back in a state of intoxication and exhibit themselves, but there is no provision under the present law by which they could be tried and punished, and thus they are successfully able to defy the Prohibition Act implemented by the Government, and thereby the working of the law is, to a certain extent, rendered ineffective."

K. UPPI SAHIB BAHADUR :—" Suppose a man comes from a wet area to a dry area with an intoxicating drug, how do you know that that man has drunk or is carrying an intoxicating drug? Is it by smelling his mouth or by seeing his form? "

[6th November 1947]

THE HON. MR. DANIEL THOMAS :—“ Sir, that is a matter of detail which I shall not discuss at present. It is dealt with in the language of the Bill itself. Sir, as I have been saying just now, certain difficulties like these have been experienced in the actual working of the prohibition policy and it is with a view to prevent such things happening, that this Bill is brought forward.”

MR. PRESIDENT :—“ In this connexion, may I make a remark, which had Hon. Minister may answer? The present Bill deals only with persons found in a state of intoxication, and not the persons who actually consume liquor. Suppose one drinks but is not found in a state of intoxication, is he punishable? ”

THE HON. MR. DANIEL THOMAS :—“ If he comes back below the state of intoxication, he is safe, Sir.”

SRI S. B. ADITYAN :—“ Why do you not punish intoxication even in a wet area? ”

THE HON. MR. DANIEL THOMAS :—“ I will deal with that point presently, Sir. I was just dealing with the difficulties experienced in the border, between dry and wet districts. Similar difficulties have also arisen in the interior of dry districts. Suppose there is a wet area. . . . ”

MR. PRESIDENT :—“ Why not the Government make drinking a punishable offence for a man living in a dry area, in so far as the policy of the Government is to see that a man in that dry area is prevented from drinking? ”

THE HON. MR. DANIEL THOMAS :—“ Sir, we cannot make the consumption of liquor by people coming from dry areas to wet, an offence consistently with our programme. We want to see that the working of the Prohibition Act is a success in all dry areas. As I said, Sir, this man who crosses the border and comes back in a state of intoxication and exhibits himself as such, brings the policy of prohibition into contempt. But the man who crosses the border and drinks moderately and comes back without being detected, does not offend the law.

“ After all, this is only a temporary measure. In the course of the next year, we expect the whole Province to go dry and then the question of consumption of liquor in any area will not arise at all.

“ Another question also arises in this connexion. Take for instance the interior of the dry areas of Cuddapah, Kurnool, Bellary and Anantapur. There, in the interior of the hilly tracts, illicit distillation is reported to be going on, on a large scale. Sir, there is always a tussle between the law-maker and the law-breaker. The law-maker makes certain provisions to prevent law-breaking; but the law-breaker sees in what way he can evade the law. In the present Act, consumption, purchase and possession of liquor—all these are made offences in a dry area. What happens in the interior of a dry area is this. In the forest areas, in the hills and in the unfrequented parts of the interior, a lot

6th November 1947] [Mr. Daniel Thomas]

of illicit distillation is going on. Whenever any officer goes there and detects the illicit distillation of arrack that is going on there, nobody owns whose articles they are."

MR. PRESIDENT:—"They are all Government lands."

THE HON. MR. DANIEL THOMAS:—"Yes, Sir, it may be. But so far as the illicit liquor is concerned, nobody comes and owns that it is his, because he will be convicted. Thus the implementation of the policy of prohibition becomes difficult. Even if the Government officers are unable to detect the actual illicit distillation in process, or any person actually in possession of illicit liquor, if a man is found in a state of intoxication in a dry area, the prohibition officers can examine this man, and follow him up and detect crimes. Even apart from that, Sir, if we now meet a man in a dry area in an intoxicated state, by the time he is actually brought before the court, he would have passed the state of intoxication and it may not be possible to prove that the man was drunk and many cases have failed like that. Therefore, in order to give proper effect to the provisions of the Prohibition Act, and to strictly enforce the prohibition policy of the Government, in these dry areas, this amendment is brought before this House.

"Sir, I would now mention the actual provision that is sought to be introduced. The new clause 4-A which is now inserted reads as follows:—

'Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.'

"There are two classes of persons contemplated under this amendment, Sir. The first is the class of persons, whether permitted to consume or not permitted to consume drink who are found in a state of intoxication in a public place; the second class of persons are those who have no permission to consume any liquor, and are found in a state of intoxication in a private place. Both these classes of people are punishable under this amending Bill. Sir, it is necessary to bring these people under the provisions of this Bill in order to implement the policy of prohibition in an effective and beneficial manner in these dry areas.

"Sir, it was asked by an hon. Member why the mere consumption even in a wet area should not be prohibited. The point is this, Sir. If a person is found in a state of intoxication in a public place in a wet area, there is a provision for prosecuting him under the general laws. Section 510 of the Indian Penal Code applies in such cases and it provides for the punishment of a person who, in a state of intoxication, appears in a public place

[Mr. Daniel Thomas] [6th November 1947]

or in a place which it is a trespass in him to enter and there conducts himself in such a manner as to cause annoyance to others.

"As I said just now, Sir, this is only a transitional affair, till all the wet areas are made dry in the course of another year, and this will have relevancy only within the interregnum between the present state of things and till prohibition is extended throughout the Province.

12-30

p.m.

"Once again, I would submit that so far as the question of prohibition is concerned, the Government are losing Rs. 17 crores of excise revenue; but it is a measure which is intended for the general uplift of the masses of the Province and therefore every step should be taken, for the purpose of fully, effectively and beneficially working the provisions of the prohibition laws. It was stated at the outset by my hon. Friend Mr. Farookhi that the betting tax is more or less something like prohibition. Sir, I beg to differ. I remember a famous passage in Shakespeare which says 'he who takes my purse takes trash.' So far as betting is concerned, it is only a question of taking the money in the purse; but so far as prohibition is concerned, he who takes my purse takes away self-respect by being found in a state of intoxication. That, I think, is something higher and very different."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Am I to understand that a gambler does not lose his self-respect?"

THE HON. MR. DANIEL THOMAS:—"I do not know; but so far as I know, a person in a state of intoxication belongs to a different category and a different order as compared to one who gambles. In regard to gambling, it is only a question of losing money; but so far as intoxication is concerned, I think it is quite on a different level altogether. Therefore, Sir, I say this measure deserves the support of this House."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"Sir, I do not think any question arises in the consideration of this Bill, whether effective steps should not be taken for implementing the intentions of the Government after the introduction of prohibition. The Hon. Minister has been speaking of grave offences that have been committed in areas where prohibition has been introduced and in areas where a certain amount of restriction has been imposed. I think the House will agree that if an Act is introduced and passed, it must be implemented and steps should be taken to implement it. While that position is conceded, if a measure is sought to be introduced by an Act of Legislature to implement such prohibition, it may be seriously questioned, as the remedy may prove to be much worse than the evil complained of. Sir, I am aghast at the provision that is sought to be introduced in this Bill, which has been already passed in the other House. It is a very simple thing that the Hon. Minister has suggested. It says:

'Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume

6th November 1947] [Dr. Sir A. Lakshmanaswami Mudaliyar]

any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

" Now, the question as to who is in a state of intoxication is a very difficult question to decide. I think I can say, with some knowledge, that it is a very difficult problem in our medical profession when we are called upon to decide, and that it is a matter of grave concern, before we can pronounce an opinion as to whether a person is in a state of intoxication or not. And I venture to suggest with all humility that the officers to whom you are going to entrust this extraordinary power under this Act will not be in a position to decide, without grave injustice in some cases at any rate, as to who is a person that is intoxicated and who is one that is not intoxicated.

" Then, Sir, let us examine what exactly will be the procedure adopted. You have, under your Act, delegated certain powers and duties to, and also laid down certain procedure to be followed by, these officers. I wish to make my point very clear; in a matter such as this, particularly in places where public opinion cannot express itself as effectively as perhaps in a large city where there are many persons to look after public interests and who can give expression to tyrannies exercised, this will be an engine of oppression in the hands of these officers in respect of any person or persons with whom they may have differences of opinion, whether those differences are differences due to family feuds, or social feuds or communal feuds or even, I may say, political feuds. I do not think the Government have seriously considered the repercussions of passing such a legislation as this. It is not a question of the merits of the theory advanced by the Hon. Minister; it is not a question whether prohibition should be practised or not but by the manner in which they are trying to implement the policy, they are going to deal a serious blow to the individual freedom and the individual liberty of every person, a thing which I think will never be attempted in any country in the world.

" Now let me come to another point. This is added to the Act as section 4-A; but if hon. Members would kindly go through section 4 (1), they will see that the offences are such as can be brought home to the offender by some sort of evidence taken at a later stage. And here, what is the offence that you are going to let in at a later stage? A man goes to a house at 11 o'clock in the night and tells a person there 'you are intoxicated, I arrest you.' What is the offence, I ask? Is he going to summon a panchayat to know whether he is intoxicated or not? Even a panchayat will not be in a position to know whether the officer's statement is a correct statement, when in the morning that man is free from the particular offence which he is supposed to have committed. It seems to me, Sir, that there has been a certain amount of loose thinking in regard to such a serious legislation as this which I wish

[Dr. Sir A. Lakshmanaswami Mudaliyar] [6th November 1947]

the Government to ponder over. If side by side with this section 4-A, the Government had also informed this House as to the manner in which they are proposing to implement this draconian legislation that offends against the first principles of personal liberty and individual freedom on account of the abuses to which it may be subjected, then we in this House might have been in a better position to appreciate their intentions, and what is far more important, the manner in which they propose to implement those intentions.

“ Then again, Sir, such a person ‘ shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.’ Well, here is an intoxicated person. Is it suggested that he should be straight-way put into the police lock-up? I know there is a provision in some law that in respect of certain offences the man may be let out on bail. A really intoxicated person is incapable of arranging for his being let out on bail, and the result will be that he will be taken to the police lock-up. Let us suppose that he is not really intoxicated; hon. Members may say that his relations may come to his rescue and get him out on bail. It may be that the man is not surrounded by his relations in that place; we also know as a matter of fact that in many cases, the relations in the place may be only a wife and young children, who cannot come to the man's rescue. Is it suggested that this person should, in such a case, be marched to the police station and locked up immediately? You may say it is not likely and he is secure, but the intention is there, and the police officer may take him to the police lock-up and lock him up. In all countries of the world where personal liberty is encroached upon, there are many safeguards which are put in and implemented. The Hon. Minister is a very seasoned lawyer himself; he must have argued many cases and found out the procedure adopted in many countries in respect of these offences. It seems to me we are rushing through legislation just because of our exuberant enthusiasm for implementing the policy, which however will cut at the root of personal liberty and freedom. I therefore appeal very strongly that this Bill, whatever its fate—and we all know that whatever we may say, it will be passed, and that is a foregone conclusion—should not be pushed through in the spirit in which it has been introduced, but that what has been said here should give rise to a serious searching of their hearts, so as to see that all these developments and these very unfortunate trends do not happen in the future. This measure has been brought forward; I read about the suggestion some time ago in the paper when the Hon. Minister was touring in Salem. I do not for a moment deny that there are these trends from dry to wet areas, I do not for a moment deny that people are getting dead drunk in the wet areas and returning to dry areas, but there should be circumspection in any legislation which tries to penalise offenders, and that offence must be brought home to them in a manner in which the public at any rate will be able to realize that he is an offender.

6th November 1947] [Dr. Sir A. Lakshmanaswami Mudaliyar]

"The main contention that I put forward in regard to this particular Bill is that the public cannot be satisfied that injustice may not be done even on a large scale. For, after all, it is not the Hon. Minister that is going to enter into the houses, but it is the myrmidons of the law who will be let loose on these people; and with due deference, Sir, we know what the result of all that would be."

* SRI B. NARAYANASWAMI NAYUDU :—"Mr. President, Sir, if I rise to speak on this occasion, it is not with the hope of having anything done which will slacken the pace of prohibition. I know the party opposite well enough; and with regard the policy of prohibition, it is beyond all redemption. I may say even as a drunkard is beyond redemption, the party opposite, in regard to its prohibition policy is beyond redemption. I say this because I know you are intoxicated with that policy, you are going to carry this through; but I want to point out that this policy of prohibition if pursued with diligence will bring its own retribution."

"The one thing that comes out of this Bill is: You want to make drunkenness an offence. The Indian Penal Code has made adultery an offence; you now want to make drunkenness an offence; you think that if drunkenness is made an offence, it will prevent people from drinking. It may be tried on paper, it may be tried in spirit, but the result you expect will not be there. You want power to go to any person, say he is intoxicated and then arrest him. At any time in the night, an officer can enter a house and drag a person out. Are you not giving opportunities to the police officers and the prohibition officers to go and tell the people 'unless you give me some money, I will not leave you, otherwise, come along'? Are you not encouraging this kind of blackmail? Are you really blind to the consequences of this provision? Is it merely to give a wire to Gandhiji saying 'here, prohibition has been inaugurated, bless me; so many districts are going dry'? Are you really sure that you can prevent what may be called the penal effect of drunkenness? What is all this nonsense about? I ask you, is it really a workable law?"

MR. PRESIDENT :—"I think the hon. Member is not in order in saying 'nonsense'."

SRI B. NARAYANASWAMI NAYUDU :—"I withdraw the word 'nonsense.' I say it shows a lamentable lack of what may be called practical knowledge of the world—whether that is nonsense or not. Do you really feel convinced that by reason of this provision here, you are going to implement the policy of prohibition, as my hon. Friend has said? Are you likely to reduce to any degree what you call illicit distillation going on in the several parts of the Province? Have you any idea of the reasons for which these people will be put in prison? Is it merely an eye-wash which you are trying by this Bill? I ask sincerely, do you feel sincerely that you are going to make the districts dry in the real sense of the word? There will be black sheep everywhere, and because of that black sheep, you want to penalise the whole population of the

[Sri B. Narayanaswami Nayudu] [6th November 1947]

village, with your secret police and the officer who can knock at your door and enter it at any time of the day or night? Political feuds will play a great part in this respect; and if this Bill is to be passed as it is, as I said, you are beyond all redemption."

12-45
p.m.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, I am wholly with the Government with regard to the prohibition policy but I disagree with piecemeal legislations with regard to prohibition. They are providing innocent people with drink in some places and they are making some other places dry. So, in fact they are tempting the people in the dry areas to go to some other places where liquor shops continue. So, there seems to be an inconsistency and there seems to be no logic in this. Therefore, the fault is not with the people who drink but with us who sit here and legislate. I do not say the Minister but I also admit my responsibility because I form part of this House. It is not due to the fault of the Government but it is due to the fault of the members here who have been elected by a large number of people, because it is their duty to see that prohibition is introduced in the whole Province at once. Therefore, Sir, it is very difficult to persuade oneself to believe that a man should be punished for drinking because if he cannot get his drink here, the Government allows him to get his drink elsewhere. So, we request this Government to introduce prohibition immediately in the whole Province. Then, Sir, there is the question of illicit distillation"

MR. PRESIDENT :—" A man can go and drink in another Province."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I submitted in my speech with regard to betting that it is not the concern of ours. Our concern is to see that people in our Province do not drink."

MR. PRESIDENT :—" Even the Province has got a border. People can go and drink on the other side of the border."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" It is the Government of India that is responsible in that matter, Sir. It is the Government of India that inaugurate such a policy. It is the Congress Party which is dominating the Government of India and dominating the Government of this Province that is responsible. So, they have to be criticized for this policy of piecemeal legislation. Therefore, if they really want—not for any exhibition or demonstration—to improve the morality and the economic condition of the people, if they really want the people not to drink in the border or in other provinces, they should inaugurate an all-India policy to prevent people from drinking anywhere in this Union. If such a policy can be adumbrated"

MR. PRESIDENT :—" Are you sure they won't go to Pakistan? "

6th November 1947]

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" If they can go to Pakistan, I think they can go even to America. We do not know whether there is prohibition in Pakistan or not. If once they go to Pakistan for drink, we are not going to allow them to come back to India. So, let them go to Pakistan once and for ever and let them not come back to India after having been addicted to drink.

" Another point which I would like to submit is that the Hon. the Minister in answer to a question put by Mr. Adityan stated that there are rules under the Act already in existence to prevent people or arrest people if they are drunk and if they are in a state of intoxication."

THE HON. MR. DANIEL THOMAS :—" Coupled with certain other clauses."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Of course, they are there coupled with certain other clauses. They are preventive rules. The rules are continuing as part of the Act. When this Act is in force, why should an amending Bill be moved? With regard to this particular matter, I want to know whether there is any difference between the existing Act and the present one. If there is a very small difference, then in that case, the present state of affairs can be allowed to continue till prohibition is introduced in the whole Province. So, I want to know why such temporary legislations are being passed. Therefore, I would submit that there is much reason, much logic and much sense in what the previous speakers have said about it. It is better that we do not allow some officials to coerce the people. It will be a sort of coercion because we will be allowing small officials to take bribes. There was a question in the other House and in answer to that question, it was stated that small officials and petty officials do take bribes and that bribery is going on. I am not concerned with the names of the people. Generally speaking, bribery is going on. This Act will help such petty officials to fleece the people and to get as much bribe as possible. So, in matters like this, Government should be very careful to see that the interests of innocent people are safeguarded. I would very much like that those who are addicted to drink should be penalised. If they are penalised, they will gradually try to give up the drink habit and they will become sober. In cases like these, it is possible that innocent people will be caught hold of. The petty officials will say, unless you give us some money, we will not allow you to go and thus they will try to foist cases on innocent persons and extort money and these people will be helpless; they may not have relatives who can go with them and plead on their behalf at the police stations. Their children will be left in a helpless state. Again, in the police stations, there may not be sufficient defence adduced in their favour. As a matter of fact, in matters like this, there is no investigation following the arrest. In some places, the police thrive upon the income that they get from these toddy shops and arrack shops. We are going to penalise the people who drink in such places and then go to the

[Abdul Latif Farookhi Sahib Bahadur] [6th November 1947]

dry areas. I say, there is no use in this legislation at all, because it is we who are responsible for the people going to wet areas and then after drinking, coming to dry areas. Therefore, it is the responsibility of the Government to introduce prohibition in all the districts of the Province. If they do not introduce prohibition in all the districts but only in certain districts, then, because there will be certain toddy shops and arrack shops open in the districts where there is no prohibition, people will be induced to go there. So, there is a tendency on the part of the people to go to the border areas for drinking and then after drinking, they go back to their places. If you are going to penalise them, then you are penalising the wrong persons. After all, it is my hon. Friend, Mr. Daniel Thomas, who is responsible for this and so, he has to be penalised for not introducing prohibition in the whole of the Province. So long as that was not done, any person will go to the toddy shops in the border areas or in the wet areas and then after drinking, will come back to his own place."

* THE HON. SRI K. MADHAVA MENON :—" I did not think of intervening in this debate but I feel I should clear up certain points. First of all, we have been accused for not introducing prohibition throughout the Province and that we are providing the temptation for drinking. May I remind my hon. Friend, Mr. Farookhi, that even if we introduce prohibition throughout the Province, still there are certain areas within this Province for which we cannot legislate, for example, Pondicherry, Mahe and Chandranagore? There are also other border areas like Mysore and Hyderabad which are free from prohibition. So, even if we bring in prohibition throughout the Province, we will not be able to enforce prohibition throughout the Province. So, the argument that is not enforced throughout the Province is no argument against an attempt to bring in a measure of this kind."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" So, I am saying that prohibition should be introduced in the whole Province."

* THE HON. SRI K. MADHAVA MENON :—" I am now speaking of the whole Province. Even if we bring in prohibition in the whole Province, there are certain pockets like Pondicherry, Mahe and Chandranagore within the Province where we have no jurisdiction and where people can drink. My hon. Friend, Mr. Uppi Sahib, will bear witness to me when I say that where the firka development scheme is worked, there is evidence to show that some people in that area go out of the area for drinking toddy."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Will the Hon. the Minister give up prohibition altogether, on account of this inconsistency? "

* THE HON. SRI K. MADHAVA MENON :—" I must say that the inconsistency is not with me but with Mr. Farookhi. If he has simply said it in a humorous way, then I entirely agree with him and I say that Government should introduce prohibition in all

6th November 1947] [Sri K. Madhava Menon]

the districts. But there are certain difficulties in the way and so, we have come with this piecemeal legislation. So, it is not the inconsistency of the Government that prompted this measure to be brought in.

"Then, Sir, I must thank my hon. Friend, Mr. B. Narayanaswami Nayudu, for his kind benedictions rather intimidations about retributions and also for his remarks that we are beyond redemption. It is a matter of opinion, Sir. I also feel that he is beyond redemption in certain matters. Certain ideas have become so crystallized in him that I think that he is beyond redemption. I can understand him when he says that we are also beyond redemption in certain fundamentals. We believe in prohibition and so we are trying to bring in prohibition. Then, Sir, the hon. Member, Mr. Narayanaswami Nayudu, spoke about illicit distillation. An able lawyer that he is, he must know that in spite of the Penal Code, there are offences. That does not mean that we are tempted to commit an offence. Our attempt is to succeed and not to fail. Adultery is an offence but yet adultery is going on. For that reason, will he advocate expunging the clauses about adultery from the Penal Code?"

SRI B. NARAYANASWAMI NAYUDU :—"It is expunged."
(Laughter.)

* THE HON. SRI K. MADHAVA MENON :—"It is not, Sir. He will not advocate it. He may say that now but he will not do it. Apart from that question, I admit that to some extent there may be illicit distillation. An attempt at prohibition is not merely an idea of reforming the present addict but it has a greater objective, and that is, we want to prevent the prospective addicts, the younger generation of the present day, from drinking. We are trying to wean them away from this drink evil. I am sure hon. Members will visualise that these persons who belong to the younger generation, the majority of them, will not walk many miles to places where illicit distillation is carried on and thus be addicted to drink. There may be some exceptions but on account of that, we ought not to be thwarted from our objective.

"Sir, there was no necessity for me to speak at all, but I was provoked by some remarks made by the hon. Member Mr. Narayanaswami Nayudu about retribution. I can assure the hon. Member that we are willing to be judged by the electorate but we cannot be deflected from our objectives merely by threats of 'retribution.'

"Then one word, more, Sir. The hon. Dr. Lakshmanaswami Mudaliyar, able and experienced as he is, has said that there is an anomaly in this Bill. He referred to the difficulty of detecting the offender in a state of intoxication, and said that there are cases of drunkenness without intoxication. It is always a matter for the judges to decide whether a particular man is in a state of intoxication or not. I have even seen many medical certificates granted by many doctors to this effect, 'He is drunk but not under the influence of drink.' So, it is a matter for the judges to decide

[Sri K. Madhava Menon] [6th November 1947]

whether a man is intoxicated or not. Section 509 of the Penal Code deals with cases of intoxication. So, it is a matter for the lawyers and the judges. Even doctors also have to decide whether a drunken man is intoxicated or not. So, there may be some general cases like this."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" May I ask the Hon. Minister whether, besides being intoxicated, is it the idea that a particular act has necessarily to be committed by the intoxicated person so that this Act may be made applicable to him? "

1 p.m. THE HON. SRI K. MADHAVA MENON :—" Sir, under the old Act whoever appears in public intoxicated is an offender and here we are extending it to private places also. I agree that we are encroaching upon certain rights which as I have said before is inevitable in the enforcement of any law. The gravamen of the charge of Dr. Lakshmanaswami Mudaliar was how to define this state of intoxication. It has been the headache of many eminent doctors and courts, but still we have got to work it out and we hope to work it out, with as little harassment as it is possible. Every day cases of evasion of the Prohibition Act are being brought to our notice in places adjacent to dry districts such as Mahe, Mysore and Hyderabad."

K. UPPI SAHIB BAHADUR :—" Sir, we have made our position clear that we will stand by the Government for complete prohibition, but we cannot be a party to such a piecemeal legislation brought forward in such a lighthearted manner. Sir, when one reads the section one shivers; it is shocking. Sir, the provision says, 'Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place.' The private place may mean a bed chamber. I say if a man is sleeping in his bed room, he can very well be arrested saying that he is under the influence of opium. He can be harassed. Petty officials can arrest anybody who is sleeping saying that he is under the influence of ganja or opium. This law is so wide as to permit all this. They can arrest you, me and even the Prime Minister."

MR. PRESIDENT :—" Not me at any rate." (Laughter.)

K. UPPI SAHIB BAHADUR :—" How are you to prove that you are not drunk? "

MR. PRESIDENT :—" There is my reputation."

K. UPPI SAHIB BAHADUR :—" I do not say that you will be arrested under an intoxicated state. My point is only to point out the sweeping powers of the clause. A drunkard is not afraid of his reputation, a habitual drunkard is not afraid of anything. When there are some witnesses, the Hon. the Premier himself can be arrested. There will be much harassment in villages. They are creating a machine for petty officials to black-mail. We

6th November 1947] [K. Uppi Sahib Bahadur]

cannot be a party to this piecemeal legislation as it is dangerous. If, even 100 offenders escape and one man suffers that is not justice. I, therefore strongly oppose this Bill."

THE HON. MR. DANIEL THOMAS :—" Mr. President, Sir, I should be content to make a few general observations on the many comments and criticisms made in this honourable House. General observations apart, criticisms have been made that this measure places in the hands of the Police large powers and they are likely to be abused. I may say that this is a belated criticism that has been made. This Bill has been in force for the past nine solid years. The Prohibition Act was introduced in this Province in 1937, and it has been in force with an interregnum during the Advisers' Regime. This measure has had the approval of both the Assembly and this House. I would now ask you only to compare the provisions of the present Act with that of the old one. Mr. Uppi Sahib has drawn conclusions from his fertile imagination. He has drawn a very lurid picture of how this act will be applied even to the bed room and people will be harassed. I submit Sir, that his fears have absolutely no reality. I would invite your attention to section 4 of the Madras Prohibition Act. Under that consumers of liquor are to be punished, but now this Act says that it will apply to those who are found in an intoxicated condition also. This is only for avoiding the evasion of the Prohibition Act."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Is the Prohibition Officer allowed to enter a bed chamber when he has evidence that the man has consumed liquor? "

THE HON. MR. DANIEL THOMAS :—" I would refer to section 29 of the Prohibition Act which says that the Collector, Prohibition Officer and the Police Officer not below the rank of a Sub-Inspector can enter a private house and arrest any person for having committed an offence under the Act. That empowers the Police Officer to arrest him for having consumed liquor. Here we are saying that he will be arrested if he is actually found in a state of intoxication. I may say, Sir, that from 1937 to 1941 and from 1946 up to date this Act has been in force. So far, we have not received one complaint about the misuse of powers by the Police or the Prohibition Officers. There have been a number of cases where Police Officers have entered private houses and convicted persons. I would submit that from 1937 onwards all the provisions against which my hon. Friend is comparing have been there. They have the sanction of the Congress Party and the overwhelming people and the electorate have appreciated and approved this prohibition policy of ours. If Mr. Narayanaswami Naidu doubts me he would have found the truth if he had followed me on 1st October to Madura. You have condemned those drink addicts as beyond redemption. We say, ' No, we will reform them. Let them not be damned '. These people do not know what is good for themselves. We have therefore made rules and regulations in order to enable them to lead a good life. The Opposition say that

[Mr. Daniel Thomas] [6th November 1947]

they are supporting wholeheartedly our prohibition programme, but how can we make it a success, Sir, without effectively enforcing it."

-K. UPPI SAHIB BAHADUR :—" On a point of personal explanation, I may point out, Sir, that I have made my position already clear that we are prepared to agree to the conviction of the actual offenders and I would even say that they should be punished very severely."

THE HON. MR. DANIEL THOMAS :—" That is exactly the purpose of this Bill, Sir. I do not understand what they are objecting to. The head and front of this measure is to punish the offenders and make prohibition a success. We are both on common ground with regard to this policy."

MR. PRESIDENT :—" The complaint of the Opposition seems to be that under this Bill a private house and even a bed chamber can be invaded."

THE HON. MR. DANIEL THOMAS :—" When once we have decided upon this policy of prohibition, we must go to the fullest extent necessary to implement it. There cannot be any half-way houses."

MR. PRESIDENT :—" Does not the Act provide for making rules in order that the officers may enter only with some help from panchayatdars and the like? "

THE HON. MR. DANIEL THOMAS :—" I will deal with it presently. We have to accept the full implications of this policy, we have to make all the necessary provisions. This measure is necessary for the full and effective enforcement of prohibition.

" My hon. Friend Farookhi Sahib was also saying that this is only a temporary measure and the necessity for this will disappear as soon as the prohibition scheme is introduced in all the districts. It is not so. Even in places where there is prohibition there is illicit distillation. There have been many such cases. In such places people will be found to be in an intoxicated condition. Even after the introduction of prohibition in all the 24 districts the necessity for this provision will be there and it will be imperatively necessary. Now a man may go to the border and have a drink and come back, and he cannot be punished under the present Act. Under the new provision if he is found to be in an intoxicated condition even if he has not been found out in the actual act of drinking, he will be punished. Therefore, Sir, the necessity for this provision will be there even after the full introduction of prohibition in all our districts.

1-15 P.M. " Clause 4 of the Prohibition Act of 1937 lays down various offences from (a) to (k) and certain procedure is laid down under

6th November 1947] [Mr. Daniel Thomas]

the Act for the investigation of offences falling under these categories. In that connexion, Sir, I would refer to you to sections 28 and 29 of the same Act. Section 28 says—

'If any Collector, Prohibition Officer or Magistrate upon information obtained and after such enquiry as he thinks necessary, has reason to believe that an offence under sub-section (1) of section 4 has been committed, he may issue a warrant for the search for any liquor . . .'

and this enables the officer to issue a search warrant which will enable him to enter and inspect private houses, arrest any offenders or recover property. There is also a reserve provision under section 29, which says—

'Whenever a Collector, any Prohibition Officer not below such rank as the Provincial Government may determine, any Police Officer not below the rank of sub-inspector, any officer-in-charge of a police station, or any other paid or honorary officer authorized by the Provincial Government in this behalf has reason to believe that an offence under sub-section (1) of section 4 has been committed and that the delay occasioned by obtaining a search warrant under section 28 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief at any time by day or night enter and search any place, and he may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act.'

This is a reserve provision and the normal procedure is the one outlined in section 28 of the Act, namely, of the search warrant being issued by the Magistrate. I agree with some of the remarks made by some hon. Members that in some exceptional cases this might possibly lead to some abuse."

MR. PRESIDENT:—"I suppose that rules can be framed in connexion with section 4 that even if this section 29 is to be used, it must be under proper safeguards. This is a matter which the Government will do well to consider."

THE HON. MR. DANIEL THOMAS:—"I agree that this might in exceptional cases lead to abuse; therefore, Government will take particular care either by rules or by departmental instructions to see that there is no abuse of the provisions contained in section 29 with reference to the question of intoxication. But thus far, so far as the offences contained in section 4 of the Prohibition Act are concerned, there has been no suggestion either in this House or in the other House of any abuse at all. None-the-less we shall see that with reference to intoxication necessary safeguards are provided so as to see that these provisions are not in any way abused by any of the subordinate officers who may have any grievances against any particular individual.

[Mr. Daniel Thomas] [6th November 1947]

“ My hon. Friend, Mr. Adityan and Mr. Farookhi wanted to know the difference between the Bill as it now stands and the present Bill. In this connexion, I wish to invite the attention of hon. Members to section 510 of the Indian Penal Code which reads—

‘ Whoever in a state of intoxication, appears in any public place or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person’

and the other provision of the law on the point is section 3 (12) of the Towns Nuisances Act, 1889 (Act III of 1889) which says—

‘ Whoever is found drunk and incapable of taking care of himself or is guilty of any riotous, disorderly or indecent behaviour.’

In these two sections, what is taken note of is not mere intoxication, but only when it is accompanied by appearing in any public place or being incapable of taking care of himself, etc. But in a dry area where Prohibition has been introduced, people are supposed to be sober and nobody could appear in a state of intoxication and it will be a breach of the Prohibition law if one were to be in a state of intoxication and that is the purpose and import of the present measure. Dr. Lakshmanaswami Mudaliyar, for whose opinion I have the greatest regard and esteem, referred more to the details of the working of the Act than to the principles underlying the Act and he himself agreed that in a measure like the Prohibition Act, they should take necessary steps in order to enforce it properly, fully and effectively. I assure him that this measure is designed to achieve it and this is only a step-in-aid to the full enforcement of Prohibition. The question was raised that intoxication as defined by the present law is rather broad. I wish to point out in that connexion that the question of intoxication has been before the country in these two Acts, namely, the Indian Penal Code and the Towns Nuisances Act. There have been a number of prosecutions and in all those cases evidences are adduced and the Magistrate comes to judgment whether a particular man is guilty or not on the basis of evidence on the question whether the additional acts mentioned in the sections have been committed, by way of supplement to the state of intoxication. During all these years, intoxication has been gone into and has been considered and has been investigated and judgment has been passed. What applies to these two Acts applies equally to the present measure. The procedure as regards search warrants is subject to the general provisions in the criminal codes as well. As I told you, Sir, when action is to be taken pursuant to section 29 of the Prohibition Act, the reasons have to be put down in writing and it will be open to the scrutiny of the officers higher up. If any additional safeguards are necessary, so far as this Bill is concerned, Government will take suitable action to safeguard the rights of citizens. As regards the present measure before the House, I wish to say it is a measure intended to carry out the policy of Prohibition in an ‘ effective manner.’ There is a widespread demand in the

6th November 1947] [Mr. Daniel Thomas]

various districts which I have turned, both from the public and social workers, that there should be such a law and for want of it, we have witnessed large bodies of people going across the borders of dry districts and returning in a state of intoxication. Stories, I have also heard of people from a certain town in a certain dry area going in train-loads to wet areas and returning in all states of intoxication. Such trains are called 'Kallu Vandi.' Train journeys in such conditions cannot be tolerated by self-respecting people; much more so when women and children also have to make their journeys in such trains. Such state of affairs cannot be allowed to continue and this measure is intended to check and counteract that evil. I am sure that this measure will have a very whole effect upon the people and I beg the House to support the measure as it is a step in aid for the more effective implementing of the policy of Prohibition."

The motion that, that the Madras Prohibition (Amendment) Bill, 1947 (L.A. Bill No. 31 of 1947) as passed by the Assembly be taken into consideration at once, was put and declared carried but Sri Narayanaswami Nayudu challenged it for a division.

[The bells were rung and the doors were shut.]

The question was again put and declared carried *without a division*.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. MR. DANIEL THOMAS :—" I now move—
' that the Bill be passed into law.' "

The motion was put and carried and the Bill was passed into law.

The House rose for lunch.

(After lunch—2-30 p.m.)

(4) THE MADRAS SHOPS AND ESTABLISHMENTS BILL, 1947
(L.A. BILL NO. 15 OF 1947)

SRI B. NARAYANASWAMI NAYUDU :—" This Bill had been received only recently, and we had no time to go through this Bill. May I request the Hon. Minister whether consideration of this Bill cannot be adjourned to another day? "

MR. PRESIDENT :—" Why not the general discussion go on? Such of those members as would like to speak may speak. We shall not close it to-day."

SRI B. NARAYANASWAMI NAYUDU :—" General discussion will not be closed to-day, Sir? "

MR. PRESIDENT :—" May not be."

THE HON. SRI H. SITARAMA REDDI :—" Sir, this Bill has been discussed at great length in the Assembly . . . "

[6th November 1947]

MR. PRESIDENT :—" Please do not say so. We will like to discuss it equally long here."

THE HON. SRI H. SITARAMA REDDI :—" I suggest, Sir, that I will formally move the Bill, and let the general discussion be over to-day. There will be no need for hon. Members to give notice of amendments, because all possible amendments were moved and discussed in the select committee and also in the other House. The Bill has emerged after great discussion and deliberation. I take it there may not be any need for any amendments, because the labour members in the Assembly who are very much concerned with this Bill have taken a very active part in the discussion of this Bill. So, I suggest I may be allowed to move the Bill, and let there be a general discussion. If hon. Members want to move any amendments, they may give notice of amendments up to this evening so that they may be ready by tomorrow. This is my suggestion, Sir."

SRI R. SURYANARAYANA RAO :—" Sir, copies of this Bill reached us only yesterday. It is not possible for us to go through this Bill so soon. I would appeal to the Hon. Minister who is also new to this Bill, as much new perhaps as . . ."

MR. PRESIDENT :—" That is his look-out ! " (Laughter.)

SRI R. SURYANARAYANA RAO :—" We have none to coach us, as the Secretariat is behind the Hon. Minister to coach him up. Unless you wish that this session should not come to an abrupt end, we would like this Bill to be postponed for discussion for the next session."

THE HON. SRI H. SITARAMA REDDI :—" You mean both the Bills ? "

SRI R. SURYANARAYANA RAO :—" I would like to draw the attention of hon. Members to the fact that this Bill was published on the 7th January 1947. It was introduced recently in the Assembly. Nothing is going to happen by postponing the consideration of this Bill by 20 days or 15 days, because this is not like a Bill dealing with an Ordinance which is about to expire. There is no Ordinance at present. This Bill was published in the Gazette on January 7, 1947. They did not bring it before the Assembly till the other day. Then, as the Assembly was sitting, they moved for a select committee, and had this passed. Where is the urgency for this Bill to be passed in this session? I think, Sir, . . ."

MR. PRESIDENT :—" You may very well put it to the shop assistants and not to the Minister."

SRI R. SURYANARAYANA RAO :—" It is not as if shop assistants will go on strike if there is a little delay in passing this Bill. There are many provisions which need to be considered. Government may not be willing to accept our amendments, but still we would like to exercise our rights. The one thing that struck

6th November 1947] [Sri R. Suryanarayana Rao]

me is, in the case of employment of children and young persons, there is no provision for rest. Clause 19 says ' . . . no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week, nor shall such person be allowed to work overtime.' But in the Bombay Act, there is a separate clause provided that there shall be a break after four hours . . . "

THE HON. SRI H. SITARAMA REDDI :—" This Bill also provides for that."

SRI R. SURYANARAYANA RAO :—" Sir, this section is dealing with a particular set of workers. It is not the ordinary adult worker. We are dealing with young persons. In Chapter IV it is said ' no young person shall be required or allowed to work . . . "

THE HON. SRI H. SITARAMA REDDI :—" That is a matter of detail which we can take up later."

SRI R. SURYANARAYANA RAO :—" Government may or may not accept our amendments. I quote this only as an instance, and I am sure that though members representing labour in the other House fought hard and got certain amendments accepted, there are also people in this House who may not consider themselves as labour leaders, but still are interested in shop assistants and clerks and others employed in establishments. We would like to have a little more time to go through this Bill, especially as it is supposed to be a reproduction of the Acts in other provinces. As it was stated in the statement of objects and reasons published in the Gazette . . . "

MR. PRESIDENT :—" We may not sit till December."

THE HON. SRI K. MADHAVA MENON :—" I want to tell hon. Members that if we have business, we will sit to-morrow and also day after to-morrow. The other House is meeting only on the 26th of this month. The idea of putting off this Bill to the next session (Sri B. Narayanaswami Nayudu : ' Next sitting ') is not desirable or proper. Technically, my friends may say that they have received copies only yesterday. As a matter of fact, every one knows the contents of this Bill as it was originally published in the Gazette, and as it subsequently emerged from the select committee and from the Assembly. If it is simply to assert our rights of getting more time, it may not be done on this particular Bill. Hereafter, I do not think there will be much room for the complaint. We hope to have joint select committees in such important matters. We request you to take three days. Work should go on for three days. Mr. Suryanarayana Rao questioned about the urgency of this Bill. It is true that the Bill was published in January. But it was on the agenda of the Assembly for more than a month, and it could not be taken up because of other more important Bills. The select committee considered this Bill. This matter has been thoroughly thrashed out at the select committee

[Sri K. Madhava Menon] [6th November 1947]

stage and also in the Assembly after it emerged from the select committee. As my hon. friend said the labour members were particular to see that the rights of labourers were protected. Mr. Narayanaswami Nayudu wants perhaps to represent the other side—capitalist. That is why he wants time. (Interruption by Sri B. Narayanaswami Nayudu.) The course suggested by the Hon. Minister for Industries is that we may have the general discussion on the provisions of the Bill to-day. Any amendments my friends may like to move may be handed over to you till to-morrow morning. We agree to that and we will consider what can be done. The question that they want time to give notice of amendments need not stand in the way. I am sure Mr. Suryanarayana Rao would have known about the details of the Bill. We need not unnecessarily waste the rest of the day. We can go on with the consideration of this Bill. The urgency as you were pleased to say, is for the shop assistants. Mr. Suryanarayana Rao asked, having waited for so much time could they not wait for a few months more. I say, Sir, if we have committed a mistake earlier, we need not commit it now also. We can pass this Bill as early as we can. That is my answer to Mr. Suryanarayana Rao."

MR. PRESIDENT:—"Apart from that technical fact, this Bill consists of a number of clauses, and naturally members would like to have some time to go through it, and see whether they can give any amendments or not. We cannot shut out the rights of members . . ."

THE HON. SRI K. MADHAVA MENON:—"As a matter of fact, every one of us has gone through this Bill, Sir."

MR. PRESIDENT:—"What I am trying to present is this. Any member present here will not take notice of this Bill sufficiently early for the purpose of giving amendments till the other House has passed this Bill."

THE HON. SRI K. MADHAVA MENON:—"That is why I am suggesting time for amendments till to-morrow 11 o'clock."

MR. PRESIDENT:—"You cannot say that their request for time is unreasonable. The other House is meeting on the 26th. If you think this Bill is really urgent, what is the objection to our meeting two days earlier and finishing off this Bill and also the Non-Power Factories Bill?"

THE HON. SRI K. MADHAVA MENON:—"There are four holidays intervening, Sir—penultimate Saturday and Mohurram holidays. Some of us are also going to Delhi. We will be back on the 20th. If we have a meeting on the 25th, some of our friends may not have time to start after Mohurram. That is why we have requested the Hon. Speaker also to fix the meeting on the 26th."

K. UPPI SAHIB BAHADUR:—"It is only a matter of accommodation, Sir. We have been accommodating the Government several times. This is an occasion when the Opposition wants some

6th November 1947] [K. Uppi Sahib Bahadur]

time to consider this Bill, because this is a measure which concerns the poor people. My hon. Friend opposite was telling that this Bill was thrashed out in the other House."

MR. PRESIDENT :—" You need not worry about that."

K. UPPI SAHIB BAHADUR :—" Sir, the Bill that is before the House is not the Bill that was published in the Gazette. It is a different Bill. We want time, and it is only a very reasonable demand."

MR. PRESIDENT :—" The only point we are to consider is if these two Bills are not taken up there will be no work for us. There is absolutely no point in having all of you here and having no work to do. If you think it is necessary, I have no objection to take amendments till 11 o'clock to-morrow."

THE HON. SRI K. MADHAVA MENON :—" I want to tell you, Sir, one thing. With regard to the rules amendment, if before 3 o'clock to-day there are no nominations received, and if you make your announcement to-day after 3 p.m., we hope the select committee will finish its work soon as there may not be much trouble in that; I shall give notice of it for to-morrow's work and this Bill may be taken up day after to-morrow."

MR. PRESIDENT :—" I am prepared to take it up even to-morrow; but so far as to-day's work is concerned unless we take up these two items of business there is no work for us."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, this is a Bill which affects so many interests, the capitalists, the workers and State organizations. It is a vital matter which has to be gone into with great care and in detail. Reference was made to the select committee. We do not know what happened in the select committee. We have not been given a copy of the select committee's report. Perhaps we may be told that we are not entitled to it. Evidently, if the Government do not want our views and suggestions in this matter, if they want to ignore us, they can proceed with the measure even now as they have got the strength of votes."

THE HON. SRI H. SITARAMA REDDI :—" There is no question of ignoring the valuable discussion in this House. I want to assure hon. Members that the Government are anxious to hear the criticism of this House and its valuable advice on this measure."

SRI P. R. K. SARMA :—" On a point of information, Sir. No Hon. Minister of this House was on the select committee of this Bill. So no opportunity was available for this House to make any alterations in the Bill. Unless there is a general discussion first and we hear the reply of the Hon. Minister, it will not be possible to give notice of amendments to the Bill."

THE HON. SRI K. MADHAVA MENON :—" Sir, I do not want it should be thought that we want to rush through things or do things as we like. If there is a feeling that there has not

[Sri K. Madhava Menon] [6th November 1947]

been sufficient time for this House to consider this measure, we have no objection to have the general discussion of the Bill tomorrow and if, after that, hon. Members feel that the further discussion should be postponed to the next sitting, I have no objection."

THE HON. SRI H. SITARAMA REDDI :—" Sir, I move—

' that the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947), as passed by the Assembly, be taken into consideration at once.'

" Sir, this Bill was originally published in the *Fort St. George Gazette* as early as January 1947. The Bill next came up before the Assembly and was referred to the select committee. The select committee examined the Bill, and it was passed in the Assembly just two days ago. Sir, hon. Members, at least such of them as have followed the discussions of that House, must have known what great interest was evinced by the labour members and others in this Bill. Sir, before 1939, persons employed in shops, commercial undertakings, restaurants, etc., were not included within the scope of labour legislation in India. It is only after 1939 that the Bombay Government first introduced the Bill called the Bombay Shop Assistants and Establishments Bill, and afterwards, the Government of Sind, the Punjab and Bengal also followed up with similar legislation. Right from that time the Madras Government has been contemplating the introduction of a measure which will go to help the shop assistants and allied workers. The whole object of the Bill is to see that these workers in shops and other commercial undertakings get facilities like other workers, and so this Bill proposes to fix the hours of work, rest period, the hours of opening and closing of places of business, and holidays with pay, regular payment of wages and the rest. This important measure, when passed, will give the shop assistants the much-needed relief. I know there are some enlightened establishments which already take a lot of interest in the welfare of their shop assistants, but there are others which do not provide necessary facilities to their workers. This Bill, when passed, will make it compulsory on them to provide necessary amenities, and then the shop assistants can claim leave with pay as a matter of right, and also they will get better conditions of living. I am sure when hon. Members discuss the Bill, they will suggest means of administering the measure effectively and Government will only be too glad to accept all valuable suggestions. I may assure hon. Members that Government will take every care to see that the spirit of the Act is adhered to in working it. Sir, the details of the Bill are available in the Bill itself, and when the Bill is taken up clause by clause there will be plenty of opportunity to speak about the various aspects of the measure, like the hours of work, rest and the like. I move that the Bill be taken into consideration at once."

6th November 1947]

SRI B. NARAYANASWAMI NAYUDU :—“ Sir, from the Hon. Minister I would like to know how this Bill will affect the capitalists, how many shops will have to be closed, how many shops there are in the city, how many shop assistants there are in all who require this protection of a Bill, and how many there are in the municipalities and the like. May I request him to give us some more facts and figures?”

THE HON. SRI K. MADHAVA MENON :—“ May I make one more suggestion, Sir, regarding the programme of work. I have also been consulting some of the hon. Members on the other side and they have no objection. My hon. friend has introduced the Shops and Establishments Bill and those who want to talk on the general principles of the Bill to-day may do so. I request, Sir, that this Bill may be taken up the day after to-morrow. There ^{8 p.m.} are two other Bills which we have to pass, namely, the Places of Public Resort (Amendment) Bill and the Local Boards (Amendment) Bill which are more or less of a non-controversial nature. We may take them up to-morrow and finish them and this Bill may be taken up the day after to-morrow. If the Hon. President is agreeable to this, this may be adopted, Sir.”

MR. PRESIDENT :—“ I am agreeable to any programme.”

K. UPPI SAHIB BAHADUR :—“ I agree with the Hon. Minister for Agriculture, Sir, that we will take up the general discussion of this Bill to-morrow and if not possible to adjourn it for the next meeting . . .”

MR. PRESIDENT :—“ If anybody is prepared to speak now he can speak.”

THE HON. DR. P. SUBBARAYAN :—“ What has been said by my colleague is this, Sir. As the hon. Members seem to think that they want time to give notice of amendments on both the Non-Power Factories Bill and the Shops and Establishments Bill, they will have the whole of to-day and the next day to give notice of amendments on both the Bills, both of which may be taken up for passing into law the day after to-morrow. If you will allow it, Sir, to-day and to-morrow there may be a general discussion on this Bill as well as the Non-Power Factories Bill, so that the general discussion will be over and the voting on clause by clause may be taken up on Saturday. With regard to the other two small Bills, they might be passed to-morrow. Now in the afternoon discussion may go on, on this Bill.”

MR. PRESIDENT :—“ We will go on with general discussion now and voting on the clauses will be taken up the day after to-morrow on both the Bills. I will give you time for giving notice of amendments on both the Bills till to-morrow.”

K. UPPI SAHIB BAHADUR :—“ Suppose we only partly discuss it to-morrow?”

[6th November 1947]

THE HON. DR. P. SUBBARAYAN :—" The general discussion will be to-morrow and then it may be taken clause by clause the day after to-morrow."

MR. PRESIDENT :—" On the general principles of the Bills there will be general discussion to-morrow. We will take up amendments the day after to-morrow on both the Bills. There will be general discussion on both the Bills to-morrow. If we finish both the Bills by the day after to-morrow, well and good. I think it is generally acceptable to the House."

SRI M. D. KUMARASWAMI MUDALIYAR :—" How can we take up the other two Bills when we have not finished the discussion on this Bill, Sir? "

MR. PRESIDENT :—" It is open to the Government to do that. We will finish general discussion and then go on with the other Bills. The other two Bills are non-controversial and we can finish them."

THE HON. SRI K. MADHAVA MENON :—" The Hon. the Minister for Industries will move the first reading of the Non-Power Factories Bill also to-morrow formally, Sir."

MR. PRESIDENT :—" We will change the order of the Agenda. The other two Bills will be put first to-morrow and this will come afterwards."

THE HON. SRI K. MADHAVA MENON :—" He will move the Non-Power Factories Bill to-morrow, Sir, so that amendments to that Bill may be given to-morrow before 5 o'clock."

K. UPPI SAHIB BAHADUR :—" There will be a motion to-morrow that the Bill be taken into consideration. Before we finish that motion, can we take up another matter? We must come to some conclusion about it."

* * * * *

*** SRI S. B. ADITYAN :—**" Mr. President, it is somewhat unfortunate that this important Bill which affects the working classes so vitally has had so far a chequered career. I mean, Sir, it was originally drafted by Mr. Giri, then it was handled by Dr. Rajan and now again it has changed hands. It is somewhat like the changing of the Captain of the ship in mid-ocean but let us hope that it has now come into safe hands. The Hon. Minister has said that this Bill gives relief to the shop assistants. With due respect to the Hon. Minister, I have got to point that this Bill does not give relief to the shop assistants but merely provides an opportunity to the Government to give relief.

" Now, reading through the whole of this Bill one particular and special feature of this Bill cannot escape the attention of hon. Members and it is this. There are very few specific provisions, in fact, there is only one and that is this provision of 36 days of holidays in the year for the shop assistants and other workers

6th November 1947] [Sri S. B. Adityan]

affected by the Bill. Except for that one solitary specific provision all the other provisions are of a general nature. It will depend on the particular minister and on the particular Government in power as to how much of the benefits will actually accrue to the worker. Sir, the Hon. Minister himself said that a good deal would depend on how the Act is administered. It will be open to the Hon. Minister to make something or nothing of it and I hope something will be made out of it. I will take a few instances to show how most of the provisions are of a very general nature and a good deal depends on the Government as to whether any benefit will actually be passed on to the working classes.

“ From the beginning of the Bill where these definitions occur up to the final or the penultimate clause, most of the sections except that one solitary instance which I mentioned, are of a general nature vesting discretion in the Government. Now looking at the definition of the word ‘ establishment ’—of course ‘ establishment ’ is a very important word here and in the very definition itself we see that the commercial establishment, among other things, will include such other establishments as the Provincial Government may by notification declare to be commercial establishment for the purpose of this Act. What establishments will be affected by this Act, what classes of workers among these workers will have the benefit of this Act will depend on a notification of a future date which the Government will publish. That is about commercial establishments.

“ Coming to sub-clause (6), ‘ establishment ’ again will include such establishment as the Provincial Government may by notification declare to be an establishment. Whether it is an establishment or a commercial establishment to which the Act will apply will depend mostly on the Hon. Minister who will be in charge of the Bill and this Department later on.

“ Here is another clause which similarly throws a very heavy onus on the Government. ‘ Nothing contained in this Act shall apply to . . . establishments under the Central and Provincial Governments, local authorities, the Reserve Bank of India, the Federal Railway Authority or a railway administration. . . . ’ A good number of establishments, such as the Government Printing Press, the Public Works Department workers and many others are thus straightway taken out of the scope of the Act. It will depend on the attitude of the Minister whether this particular classes of workers will have the benefit of the Act, and the relief intended by this Act. The Bill goes on to say again: ‘ Nothing contained in this section shall apply to such chemists’ or druggists’ shops as the Provincial Government may by general or special order specify.’ Employees in the chemists’ and druggists’ shops will be ‘ entitled to the 36 days of leave as any other shop assistants but it will be open to the Government by a general or special order to exclude the chemists’ or druggists’ shops. Again this illustrates as to how much the working of the Act will depend on the particular Minister who is going to be in charge of the department.

[Sri S. B. Adityan]

[6th November 1947]

Section 5 says : ' Notwithstanding anything contained in section 4, the Provincial Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clause (c) and (f) of sub-section (1) and modify or cancel any such notification.' You come to the same thing again. As I said in the beginning, throughout the whole of this Bill, from the definitions up to the final clause, it is going to depend only on the personality of the Minister-in-charge, whether these workers will get any relief at all, some relief or no relief. I think the Hon. Minister while introducing the Bill said something to the effect that the Bill provided for the late opening and early closing of the shops. I am rather surprised to find that in the Bill there is no such provision.

3.15
p.m.

" I wonder, Sir, whether the Hon. Minister has actually read through this particular portion, because what it says is that Government will have the power to say when the shop ought to be opened and when closed. It says—

' 7. (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government, by a general or special order in that behalf.'

" One would have expected some provision here for not opening a shop, say before 10 o'clock in the morning and for not keeping it open after 6 o'clock. It is going to depend on the Minister whether shops will be opened at 6 o'clock in the morning or 10 o'clock in the morning. The Government in power can even say that shops shall be kept open till midnight.

" Then Sir, the Bill goes on to say—

' 7. (3) The Provincial Government may, for the purpose of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.'

" This is again another concrete instance of a provision of a very general nature. It gives a kind of weapon in the hands of the Minister and it is open to him to use it for the good or for the bad of the classes intended to be benefited.

" Sir, there are many establishments other than shops and they are covered by Chapter III. Here also similar provisions have been made as in the case of shops. They are :

' 13. (1) Save as provided by or under any other enactment for the time being in force, no establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government by general or special order in that behalf.'

' 13. (3) The Provincial Government may, for the purpose of this section, fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.'

6th November 1947] [Sri S. B. Adityan]

"I think, the Hon. Minister also said that there were provisions in the Bill by which workers will be enabled to work under well-ventilated and healthy conditions. But the provisions relating to the ventilation of the buildings are of a general nature. The clause says :

'21. The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.'

"What will be the standards that will be prescribed will depend on how this Act will be worked by the persons in power.

"There is one other peculiarity about the Bill. It says very little about wages. There is nothing in the Act to show that the worker is entitled to a particular wage. No minimum wage is fixed. It merely says how it shall be paid. In what manner does it benefit a worker if he gets only Rs. 5 or Rs. 10 a month? It is left entirely to the discretion of the employer. This defect should be rectified when the administration of the Act comes to be considered.

"The only good provision, as I said in the beginning, is the specific provision of 36 days holidays. That is welcome. The whole working in all other respects has been left in a nebulous state. The penultimate clause says :

'52. On any special occasion in connexion with a fair or festival or a succession of public holidays, the Provincial Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act.'

"We have now a new Minister for Labour and the working of the whole Act depends on him and let us hope that he will bring to bear new enthusiasm and new vision on his work consistent with the spirit of the times, and use this weapon that is now given to him for the benefit of the working classes."

* SRI C. N. MUTHURANGA MUDALIYAR :—"Mr. President, Sir, I rise to present one aspect of this Bill. I neither want to speak in support of the Bill or in opposition to the Bill. No doubt, as a member of the Party to which I belong, I am bound to support it, but still it is not in the matter of supporting this Bill that I want to speak.

"Sir, this Bill gives various benefits to shop assistants. The Government at first wanted to give ten days casual leave and ten days sick leave, but the Bill as it has emerged from the Assembly now gives, as Mr. Adityan has pointed out, 36 days holidays. That means that every employer who runs a shop, a chemists' or drug-gists' shop, a grain shop or a cloth shop, whoever it is, has to employ more men to conduct his business, if all the shop assistants are to be given the holiday sanctioned in this Bill. Where is the employer going to find the money from? He is not going to find

[Sri C. N. Muthuranga Mudaliyar] [6th November 1947]

it from out of his profits, but he will increase the prices of his commodities and the consumers will be affected. Like the Sales Tax, this Shop Assistants' Bill also will affect the consumers. When a patient wants to buy some medicine, the medicine whose price is already high nowadays will cost still more. The price of grains, cloth, provisions, everything will go up on account of this Bill. So, the consumers alone stand to lose; they will get the same quantity of material but the prices will be higher.

"I must at this point mention one aspect of the Co-operative movement. The Provincial Co-operative Bank at Madras lends to the Central Banks in the districts at 3 per cent per annum and the Central Banks lend to the rural banks at $4\frac{1}{2}$ to 6 per cent per annum. One and a half per cent is taken by the Central Banks. Whatever may be the justification for it, I am not going to discuss it here. But they lend to the rural banks at $4\frac{1}{2}$ per cent and even at 5 or 6 per cent. The excuse is that the establishment charges have risen high and they cannot allow less than $4\frac{1}{2}$ or 5 per cent. The result is the primary borrower—the ryot or the villager for whom the Provincial Co-operative Bank, the District Bank and the Rural Bank were started—has ultimately to borrow at the rate of 6 to 8 per cent per annum, a rate higher than the rate charged by the much-abused private money-lender, who lends at 5 or 6 per cent. If the benefits mentioned in the Bill are conferred on the employees of the Co-operative Banks, then the interest they will have to charge will be much higher. This will affect the consumers. That is one aspect of the Bill which I wanted to put before the House to-day.

"Sir, hon. Members here in the Assembly are always very careful to advance the interests of the labourers, the shop assistants, the teachers, the non-Gazetted Officers and so on and so forth. But the interests of the general consumer, the general masses of the people are not in their minds or their brains at all. The general run of legislators, especially the nominated and elected members of the Opposition in this House, do not look to the interests of the common man. That is the point of view that I want to present to the House, before a vote is taken on the matter."

SRI P. R. K. SARMA :—"Are the workers not common men, are they not part of the general masses of the people?"

MR. PRESIDENT :—"The hon. Member may speak on it."

* SRI R. SURYANARAYANA RAO :—"Sir, it may not be news to the hon. Member, Mr. Muthuranga Mudaliyar, if I tell him that I am also a consumer belonging to the general mass of the population for whom he shed so many tears. But, Sir, I think Mr. Muthuranga Mudaliyar brought in unnecessarily Co-operative Banks and tried to prove that the passing of this Bill would lead to increase in the rate of interest charged by these banks."

MR. PRESIDENT :—"I do not think the hon. Member meant that kind of thing."

6th November 1947]

* SRI C. N. MUTHURANGA MUDALIYAR :—" Sir, what I said was this. If this Act applies to the clerks and assistants employed by the Co-operative Banks and they are entitled to the privileges of leave, etc., mentioned here, more men will have to be employed. That would mean additional expenditure on salaries and allowances. Then the bank will have to raise the rate of interest from 4 or 5 per cent. in order to meet the increased expenditure involved by this Bill."

* SRI R. SURYANARAYANA RAO :—" May I assure my hon. Friend that long before this measure was thought of, the Co-operative Banks have already been following certain leave rules and granting certain privileges which in some places are much more generous than those provided in the Bill. That apart, the common complaint which Mr. Muthuranga Mudaliyar advances is that if these provisions are given effect to, the cost of management of the establishments will increase, which will necessitate the establishments charging a higher cost for the supplies made by them, and therefore the consumer will be affected. Sir, none of us can say that we are consumers only or producers only. If we contribute by our labour to produce something we also consume what others produce. As my hon. Friend Mr. Sarma has said, the workers by working for a certain number of hours contribute for the growth of the establishment. Then are they not entitled to a few amenities as human beings and should they not be given periods for rest, adequate number of holidays and so on, so that they may live like human beings and not be driven to work for hours without interruption as they do, Sir, in some of the establishments in the City?

" Sir, I am glad that this Bill has been brought forward. How I wish it had received precedence over many other Bills which we have been asked to adopt in this House. This Bill was conceived so far ago as 7th January 1947 and I do not know why it has taken so much time for the Government to introduce it formally in the other House, while it could have been passed earlier and the benefits which my Hon. Friend Mr. Madhava Menon wished to confer by passing this Bill this session might have been conferred earlier.

" My hon. Friend Sri S. B. Adityan referred to certain lacunae in the Bill. I entirely agree with him. I think it would have been wise for the Government to fix an hour beyond which no shop or establishment shall be kept open. By the omission, it looks as if the Government propose to fix under the rules different hours for different shops and establishments. In the Bombay Act, 9 p.m. is the hour fixed for the closure of all shop and establishments. As has been pointed out already, there is no provision in the Bill for giving children and young persons rest after four hours of work just like the other workers. All these and such other omissions as we hope to point out by the amendments which we propose to move could have been avoided if the Government had spent a little more time. After the Bill was published in the

3.30
p. m.

[Sri R. Suryanarayana Rao] [6th November 1947]

gazette, I am afraid it went into cold storage. It was not brought out of the cold storage till perhaps the Commissioner of Labour was confronted with some problem relating to some establishment. Otherwise, perhaps it would have remained there for ever. With a little more time, the Government could have framed a very good and generous measure and make the employees of shops and establishments feel that after all they got what they deserve and for which they have been crying so long.

" This Bill is only a copy of the Bombay Act except for some omissions which we notice which may be deliberate or due to oversight. I don't think this Government have got experience of enacting and enforcing such a measure. Such information as we possess about the working of the Bombay Act shows that if at all our Bill should have been more liberal than the Bombay Act. Any way we are very thankful to the Government, for the lot of these poor shop assistants, especially those employed in restaurants and eating houses, is indescribable. I hope that the observance of the provisions of this Bill will bring some relief and benefit to the employees in shops and establishments. I do not want to refer to any more provisions of the Bill, and if any amendments are necessary we shall give notice. With these words I support the motion."

SRI P. R. K. SARMA :—" Though a member of the party in office which has introduced the Bill, I belong to a definite group which has taken every opportunity to criticize the Government. I am here representing the interests of the workers. In the Congress Party there are various elements—employers, workers, etc. We have the general good of the community at heart. I welcome the introduction of this Bill. A legislation of this nature has been long overdue. Labour has been demanding the introduction of a Bill of this kind for a long time. Legislation of this character was introduced in the other provinces before the war when responsible Governments were functioning. Madras was lagging behind and we had occasion to criticize the Government more than once. Though after considerable delay, I am glad that this legislation has been introduced. As my hon. Friend Sri Suryanarayana Rao pointed out, the Bill was drafted by Mr. Giri. If it had been introduced before the war, it would have been one of the first pieces of social legislation in the new legislature. But the Government have their own other problems to deal with and I am not prepared to blame them for the delay. But the delay has its own advantages. In this one piece of legislation, the Government have incorporated many facilities which the workers require. The first requirement is the security of service. One of the clauses definitely provides for it. The workers cannot be dismissed without notice and also without sufficient justification. There is also provision for appeal against dismissal. The workers are allowed twelve days' casual leave in a year. I am not satisfied with twelve days; I would like to have a month and we will certainly claim for more. But 12 days is far ahead of the minimum laid down by

6th November 1947] [Sri P. R. K. Sarma]

International conventions. This is the first piece of legislation for shop assistants and commercial employees. Twelve days in the present circumstances is certainly a long stride.

" Twelve days' sick leave has been provided for. Sickness is one of the social insecurities against which the workers have got to be protected. But these 12 days is sought to be adjusted to sickness and periods of incapacitation due to accident. I do not know whether the word ' accident ' is used in the technical or the general sense. Suppose a shop assistant or commercial employee, while on his way to the office, meets with an accident. If the word is used in the sense in which it is used in the Workmen's Compensation Act, the accident must be construed as one sustained in the course of employment while on duty and not outside the course of employment. Here there is room for doubt. Absence for sickness due to accidents should be treated separately from normal sickness. If the leave for absence due to accidents is also adjusted towards these 12 days, it will affect the already existing liberal conditions. Under the Workmen's Compensation Act, the period of incapacity arising out of accidents sustained in the course of employment and while on duty is limited to a maximum of five years. If it is going to be curtailed to 12 days and if the normal sick leave also is adjusted to these 12 days, it would adversely affect the existing conditions. When amendments were moved in the Assembly so as to enable the shop assistants and commercial employees to have the benefit of all the privileges available to the workers under the Workmen's Compensation Act, it was pointed out that that Act was a Central Act and that nothing could be done in the Assembly. But here 12 days' leave is provided for normal sickness and also for sickness due to accidents. As I pointed out, under the Workmen's Compensation Act, if a worker is incapacitated, he has got to be supported for five years.

" My friend pointed out that a large number of shops and establishments have been left out. There are a large number of undertakings run by the Government which are in a very deplorable condition so far as the rights and privileges of the workers are concerned. In these days when the Government want to nationalize and conduct every industry for the good of the community, the Government are the largest employers. Therefore the privileges given to the shop assistants and commercial employees should be extended to the employees in the Government undertakings also. When the question of employees in Government undertakings is raised here or outside, the people are generally influenced by the conditions of service of non-gazetted employees. Outside the rank of non-gazetted employees who are governed by the Fundamental Rules and Civil Service Regulations, there are hundreds and thousands of workers who are recruited as non-regular Government employees and who have no privileges at all. For example, there are the marina gardeners. They do not come under any Act, rule or regulation and they do not get the privileges

[Sri P. R. K. Sarma] [6th November 1947]

3-45 p.m. enjoyed by the other Government servants. The exclusion of workers employed in the Central and Provincial Government undertakings is not fair; and the provisions should be dropped.

"As I said, in this one measure, the Government have provided for security of service, sick leave and holiday with pay, protection against unreasonable fines and other deductions from the earned wages of the workers, etc. I most heartily welcome this and I am glad that the party to which I belong has brought forward this progressive measure, though it does not entirely satisfy us.

"Then, Sir, there are other social insecurities against which the working classes, whether they are shop assistants or commercial employees have to be protected. One of the causes of social insecurities is the absence of provision against old age, retirement and death. A measure of this kind should make provision for compulsory provident fund or for schemes of compulsory insurance or for schemes of gratuity and pension. Unfortunately there is no provision in this Bill for any of these schemes. I hope, Sir, that the Government will see that necessary provisions are made for old age, retirement, death and other exigencies."

MR. PRESIDENT :—"What kind of provision does the hon. Member want against death?"

SRI P. R. K. SARMA :—"What I mean, Sir, is that provision should be made for widows and orphans being granted pensions or gratuities or something of that sort so that the loss of earnings sustained by the death of a person to the family might be mitigated and compensated. I want that some such social legislation must be brought forward.

"My hon. Friend Mr. Muthuranga Mudaliyar, I have the greatest respect for him because he is my leader and he is also one of those interested in every section of the community. I am sure, he will not misunderstand me when I say this, because I know he has got every sympathy for those people for whom we want to plead. He said that if we grant all these privileges, more hands will have to be employed. Sir, that is the expression he used, which symbolizes the way in which these employees and workers are looked at by friends like Mr. Muthuranga Mudaliyar even in these days. Sir, we are not machines; we are not bolts and nuts; we are not inanimate things; but we are human beings possessing the same human feelings and the same human hearts and requiring the same human wants as others and therefore it is indeed a pity how the views of people who are very sympathetic to the toiling and suffering humanity have not undergone any transformation. I am sure, Sir, that Mr. Muthuranga Mudaliyar will sympathize with these people and when he looks at the whole question from our point of view, he will be able to advance their claims much better than we are able to do. He said that more men would have to be employed if these concessions are given to the employees. We are certainly agitating for the reduction of hours of work so that people who are unemployed may get some

6th November 1947] [Sri P. R. K. Sarma]

employment and thus the problem of unemployment could be solved to some extent. It is because, Sir, that under-employment exists in certain undertakings, that there is so much unemployment in the country to-day. If 50 people are required in an establishment, and if only a less number of people are employed, or if there is no leave reserve, or if people fall sick, or go on casual leave, then necessarily these people will have to do the work of the 50 people and to that extent a certain number of people will be unemployed, and to that extent the problem of unemployment will be made more acute. If any measure like this is brought forward before the Legislature which will enable more people to be employed in such undertakings and which will minimize the hardships and sufferings of the employees, leaders of country like my hon. Friend Mr. Muthuranga Mudaliyar must welcome it and not feel sorry for it.

"Then he said, Sir, that if these concessions are granted, the cost of production of articles would increase and that it would be transferred to the consumers just like the sales tax. I submit, Sir, that the profits that any undertaking or industry makes should be shared between these three people, the capitalists, the workers and the consumers. So far, only the capitalists, the employers and those who have invested money in industries were getting all the benefits of rationalization and all other advantages accruing to them by various circumstances and developments, but it was forgotten that the workers are also entitled to at least one-third of the benefits and advantages, if not the whole, and that is why we were having all these troubles between capital and labour and all these strikes and lock-outs.

"Sir, it must also be remembered that the workers and employees are also consumers. They form the bulk of the population. If you pay more to the employees, they will have greater purchasing power, and they will buy more. There will thus be more production and the whole process will go round and round. It is just like a vicious circle. Unless these people who form the bulk of the community have the necessary purchasing power, they will not be able to buy. Then what is the use of producing more. You have simply to store them up in warehouses. Every advantage given to the workers and employees and every improvement made in their service conditions will certainly increase the cost of production, but that is no reason why we should deny such advantages to them, which are long overdue.

"Sir, this is the first piece of social legislation of the kind for which we have been agitating for a long time. It is long overdue and I am glad that the party in power and the Government have come forward with this legislation. While we should like it to be improved in many respects and while we certainly feel that we do not find all the things that we would like to have in it, I am sure the working class people and the shop assistants and the thousands of commercial employees will really be thankful to the Government for this piece of legislation and I therefore heartily support the introduction of this Bill."

[6th November 1947]

* SRI K. VENKATASWAMI NAYUDU :—“ Mr. President, Sir, I welcome this measure as one which will give the much-needed relief to the shop assistants. When we are discussing an important measure like this, we must also realize that the total output of the workers in this country must be very great. These holidays and these facilities for relaxation to the workers should not be taken as merely giving them less working hours and therefore less production. The world expects and our country expects that all people must put the greatest amount of exertion, especially at this critical juncture to see that this country also attains the highest level of production and does not lag behind other countries. So, Sir, when these holidays are given, it must be realized by the workers that they are given these advantages more as an encouragement for them to see that their output is intensified than otherwise. That is to say, if they are now given 8 hours of work instead of 12, their outturn during these 8 hours should be the same as their outturn in the 12 hours which they have been showing before. Otherwise there is no justification for giving them such advantages.

“ Mr. President, this measure helps the shop assistants, but what about the employers? The employer is at times helpless against these shop assistants. Suppose one morning the employer finds that his shop assistant comes before him and tells “ Good-bye, Sir, I am going ”, then how is he to carry on his business. There is no protection or relief given to the employer at all under this Bill. If any protection is sought to be given, it must be given to both the parties. It is absolutely essential that the employer also must be given the necessary safeguards to carry on his work without interruption. But this Bill is one-sided. Only the shop assistants are helped and not the employer. Now-a-days we feel that we do not get the proper sort of people and the result is that a lot of work which ought to be done by them is not done and the employers are greatly handicapped. Therefore, Sir, it is necessary that the employers also should be afforded sufficient protection so that they may serve the public in the way in which they have been serving.

“ Sir, the hours of work and the holidays given under this Bill are very generous. Thirty-six holidays are given with pay besides the weekly holidays which come to about 52 in a year, with provision for half-holidays on certain occasions. I can tell you, Sir, that many of the shop assistants now-a-days are getting more holidays. But of course there are some employers who might be very strict and might not give their assistants the leave that is necessary. It is good, Sir, that at least these holidays are given and if more holidays are wanted by the employees to recuperate their health, the employers are prepared to give. What we should do is to see that these holidays are made the best use of, for recuperating their health and not wasted away, and that more work is turned out in compensation.

“ Sir, one thing I want to mention in this connexion. This shortening of hours of work in shops is bound to be disadvantageous

6th November 1947] [Sri K. Venkataswami Nayudu]

to the public because it may not be possible to keep all the shops open for long hours and facilitate the buying public. For this purpose it may be necessary to arrange for a system of shifts, but many of the concerns cannot afford to do so. It means greater working expenses, but I think under the circumstances, it cannot be avoided.

"On the whole, Sir, I think this legislation is one that ought to have come earlier, but we are glad that at least it has come now and the Government have taken very great powers under this Act. I am sure they will use it to the best advantage of all concerned and see that the business is accelerated and not retarded. At the same time the Government must use their best offices to see that the workers are advised to maintain their outturn and that the loss of working hours will not be considered as anything lost by the employers. I welcome this Bill, Sir, as providing the much-needed relief to the shop assistants."

VI.—ANNOUNCEMENT *RE* ELECTION OF MEMBERS TO THE SELECT COMMITTEE TO CONSIDER THE AMENDMENTS TO COUNCIL RULES.

MR. PRESIDENT :—"I have to inform the House that the following six gentlemen were nominated for election to the Select Committee to consider the amendments to the Madras Council Rules :—

- (1) Sri B. Veeraswami.
- (2) Sri S. K. Satagopa Mudaliyar.
- (3) Sri H. M. Jagannatham.
- (4) Sri S. Jayarama Reddiyar.
- (5) Dr. U. Rama Rao.
- (6) K. Uppi Saheb Bahadur.

"As the number of candidates nominated is equal to the number of vacancies to be filled, namely, six, I hereby declare the abovementioned gentlemen to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote.

"Under rule 135 of the Madras Council Rules, the President, the Deputy President and the Leader of the House are ex officio members of the Select Committee and I have to nominate a Chairman of the Council to serve on the Committee. I hereby nominate Mr. M. Narayana Rao as a member of the Committee.

"The Committee will sit this evening in my room immediately after the House rises.

"The House will now adjourn to meet to-morrow at 11 a.m. The discussion on the Madras Shops and Establishments Bill will go on to-morrow, after finishing two small Bills."

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. *Elections—Municipal Councils—Anakapalle, Ellore, Gudiyattam and Karaikudi—Conduct—Instructions issued—G.O. No. 1714, L.A., dated 10th October 1947.*

[6th November 1947]

* 2. *The Madras Betting Tax (Amendment) Bill, 1947 (L.A. Bill No. 29 of 1947) passed by the Assembly and received therefrom in the Council.*

† 3. *The Madras Abkari (Amendment) Bill, 1947 (L.A. Bill No. 30 of 1947) passed by the Assembly and received therefrom in the Council.*

† 4. *The Madras Prohibition (Amendment) Bill, 1947 (L.A. Bill No. 31 of 1947) passed by the Assembly and received therefrom in the Council.*

† 5. *The Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947) passed by the Assembly and received therefrom in the Council.*



* Despatched to members by post on 2nd December 1947.

† Despatched to members by post on 29th November 1947.

APPENDIX I.

[Vide answer to starred question No. 111 asked by Sri S. B. Adityan at the meeting of the Legislative Council held on the 6th November 1947, page 584 supra.]

Number of the year.	Number of major institutions assessed to contribution.	Total number of demands.	Amount of assessment.		Amount collected.		Amounts written off or cancelled.			Arrears outstanding.		
			(4)		(5)		(6)			(7)		
			RS.	A. P.	RS.	A. P.	RS.	A. P.		RS.	A. P.	
1 Fasli 1352 (1942-43)	11,861	11,249	2,68,948	8 10	1,69,712	0 4	102	10 0		99,133	14 6	
2 Fasli 1353 (1943-44)	12,133	11,392	6,12,319	10 10	3,34,099	6 9	185	5 0		2,78,034	15 1	
3 Fasli 1354 (1944-45)	12,173	113,344	7,14,742	3 0	5,02,373	4 11	92	9 3		2,12,276	4 10	
4 Fasli 1355 (1945-46)	12,300	11,496	7,90,426	8 9	6,00,127	14 2	656	7 6		1,89,642	3 1	
5 Fasli 1356 (1946-47)	12,788	11,975	8,38,346	12 8	6,23,331	10 4	2,279	10 8		2,12,735	7 8	

N.B.—The difference between the number of institutions and the number of demands issued is due to the non-assessment of certain institutions with the fasli itself and the receipt of contributions before the issue of demands.

[6th November 1947]

APPENDIX II.

[Vide answer to starred question No 118 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 6th November 1947, page 589 supra.]

A. Statement showing the list of Technical Training Centres in the Southern Circle.

Serial number and name of the institution.	Location.	Facilities available.	Sanctioned strength.
(1)	(2)	(3)	(4)
1 College of Engineering	Trivandrum	Draughtsmen, electricians and mechanics.	252
2 Pioneer Motor Service	Nagercoil	Mechanics, carpenters and linesmen.	120
3 Co-operative Timber and Metal Works.	Palamcottah	Carpenters, tin and copper smiths.	120
4 Government Industrial School.	Madura	Blacksmiths, mechanics and machinists.	128
5 South Madras Agencies, Limited.	Trichinopoly	Armature winders and electric welders.	56
6 District Board Industrial School.	Tanjore	Blacksmiths and cabinet makers.	40
7 St. Xavier's Industrial School.	Do.	Carpenters	52
8 Co-operative Metal Works	Kumakonam	Tin and copper smiths	60
9 Government Trades School	Mangalore	Blacksmiths, mechanics and turners.	76
10 Government Industrial School.	Calicut	Cabinet makers	60
11 Co-operative Timber Works	Do	Do.	60
12 Government Trades School	Trichur	Blacksmiths and mechanics.	54
13 Co-operative Metal Works	Palghat	Tin and copper smiths	60
14 United Motors, Limited	Coimbatore	Mechanics, painters and plumbers.	60
15 Indian Institute of Science	Bangalore	Machinists, mechanics and turners.	52
16 Mysore Railway Workshops	Mysore	Boiler makers, electroplaters and mechanics.	56
17 Katpadi Metal and Timber Works.	Katpadi	Carpenters, tin and copper smiths.	120
18 St. Aloysius Engineering Works.	Vizagapatam	Blacksmiths, mechanics and carpenters.	72
19 Co-operative Metal and Timber Works, Duvvada.	Do.	Cabinet makers, masons, tin and copper smiths.	124
20 A.G. Technical Institute	Vuyyuru	Moulders, pattern-makers and concreters	224
21 P.V.K.C. Training Centre	Guntur	(Since closed down)	204
22 Government Industrial School.	Bilari	Mechanics	48
23 Madras Technical Training Centre.	Anantapur	Blacksmiths, machinists, mechanics, moulders and welders.	316
24 Tiruttani Technical Training Centre.	Tiruttani	Carpenters and mechanics.	120
25 College of Engineering	Guindy	Surveyors	24
26 P. Orr's Training Centre, Mount Road.	Madras	Instrument mechanics and watch repairers	112
27 Corporation Electrical Workshops.	Do.	Electricians and welders.	88
28 C.N.T. Institute, Vepery	Do.	Draughtsmen, mechanics and turners	204
29 I.M.T.C. (Thyagarayanagar)	Do.	Mechanics and watch repairers.	300
30 * Strathie Co-operative Workshops.	Do.	Blacksmiths and moulders.	216
31 Reid Co-operative Timber Works.	Tiruvottiyur	Carpenters and concreters.	124

NOTE.—The sanctioned strength in the 31 Training Centres mentioned above is 3,602. The number of persons actually undergoing training is 2,780

* Proposed to be dissolved.

6th November 1947]

B. Statement showing the list of Vocational Training Centres in the Southern Circle.

Serial number and name of the institution. (1)	Location. (2)	Facilities available. (3)	Sanctioned strength. (4)
1 Vocational Training Centre ..	Cocanada ..	Weaving, tailoring, manufacture of glass bangles, etc.	250
2 St. Xavier's Industrial School ..	Tanjore ..	Woodwork, engraving and blockmaking.	90
3 District Board Industrial School.	Do. ..	Manufacture of crayons, chalk, etc.	30
4 St. Mary's Industrial School ..	Kumbakonam ..	Woodwork, basket making and fretwork.	50
5 C.N.T. Institute, Vepery ..	Madras ..	Art silk fabrics, hand weaving.	30
6 Rahm Co-operative Piggery and Poultry Collective Farming Society, Limited, Nandambakkam (since abolished).	Do. ..	Piggery and poultry, agriculture and horticulture.	40
7 A.G.T., Institute ..	Vuyyuru ..	Boiler house supervisors, centrifugal mates.	18
8 Land Colonization Centre ..	Komaragiri- patnam (East Godavari district).	Agriculture and allied subjects.	82
9 Do. ..	Thirumangalakottai (Tanjore district).	Do.	82
10 Do. ..	Neidatur (Tichinopoly district).	Do.	82
11 Do. ..	Rudravaram (Kurnool district).	Do.	82
12 Do. ..	Meyyur-Gudapak- kam (Chingleput district).	Do.	82
13 Do. ..	Kalavapudi (West Godavari district).	Do.	82

NOTE.—The total sanctioned strength in the 13 Vocational Training centres is 1,000. The actual number of persons undergoing training is 290 in the 8 centres that are functioning. Two hundred and seventy-five ex-service women are undergoing training in commercial subjects and other trades like South Indian Music, etc., in the 28 training centres established in the Southern Circle. The sanctioned strength of the War Disabled Training Centre at Jalahalli is 500. The actual number of disabled men undergoing training in the 22 trades suited for them is 301.

LIST OF PROVINCIAL SCHEMES FOR THE RESETTLEMENT OF EX-SERVICEMEN.

Serial number and name of the institution. (1)	Location. (2)	Facilities. (3)	Number of members employed. (4)
<i>C. Workshops.</i>			
1 *Strathie Co-operative Engineering Workshop.	Public Works Workshops, Rayapuram, Madras.	The ex-servicemen members of these factories are both workers and proprietors as well. They are entitled to bonus besides their wages and dividend for their share money. They have voice in the management of the institutions. 25 per cent of the profits are reserved for a fund to meet unforeseen loss.	113
2 Kumbakonam Co-operative Metal Works.	Kumbakonam R.S.	....	46
3 Vizagapatam Co-operative Metal Works.	Duvvada R.S.	....	59
4 Katpadi Co-operative Metal Works.	Katpadi R.S.	....	67
5 Malabar Co-operative Metal Works.	Ulavakot R.S.	....	49
6 Tinnevely Co-operative Metal Works.	(Not yet commenced work.)		

[6th November 1947]

Serial number and name of the institution.	Location.	Facilities.	Number of members employed.
(1)	(2)	(3)	(4)
<i>C. Workshops—cont.</i>			
7 Reid Co-operative Timber Works.	Tiruvottiyur R.S. ..	....	137
8 Vizagapatam Co-operative Timber Works.	Duvvada R.S. ..	....	42
9 Katpadi Co-operative Timber Works.	Katpadi R.S. ..	....	60
10 Malabar Co-operative Timber Works.	Calicut R.S. ..	....	32
11 Tinnevely Co-operative Timber Works.	Thalayuthoo R.S. ..	....	40
Actually employed ..			645

D. Other Societies.

1 The Madras Co-operative Motor Transport Society.	Madras	Eleven more societies will be started and it is expected that about 1,131 ex-service men may be absorbed.	24
2 The Madras Radio Sales and Service Society.	Do. .. ..	....	3
3 The Madras Tailors' Co-operative Society.	Do. .. ..	....	6
			33

E. Land Colonization Societies.

1 Rahm Piggery and Poultry Collective Farming Society, Limited (since abolished).	Nandambakkam (Chingleput).	....	14
2 * Meyyur-Gudapakkam Agricultural Colonization Society.	Meyyur-Gudapakkam (Chingleput).	* Vocational Training Centres under the Government of India Vocational Training Scheme will be started soon in these colonies for training the colonists in Agriculture and two other allied trades.	27
3 Senneler Enadavadi Agricultural Colonization Society.	Senneler Enadavadi (North Arcot district).	....	55
4 * Thirumangalakottai Agricultural Colonization Society.	Thirumangalakottai (Tanjore district).	* Vocational Training Centres under the Government of India Vocational Training Scheme will be started soon in these colonies for training the colonists in Agriculture and two other allied trades.	77
5 * Neidalur Agricultural Colonization Society.	Neidalur (Trichinopoly district).	* Do.	32
6 Chinnakalpalayam Agricultural Colonization Society.	Chinnakalpalayam (D. Javoiapatnam) (Coimbatore district).	....	29

6th November 1947]

Serial number and name of
the institution.

Location.

Facilities.

Number of
members
employed.
(4)

(1)

(3)

(5)

E. Land Colonization Societies—cont.

7 * Kalavapudi Agricultural Colonization Society.	Kalavapudi (West Godavari district).	* There is a Vocational Training Centre under the Government of India Vocational Training Scheme in these two colonies where training is given to colonists in Agriculture and two other trades.	303
8 * Komaragiripatnam Ex-servicemen's Co-operative Agricultural Colonization Society.	Komaragiripatnam, Amalapuram taluk (East Godavari district).	* Do.	82
9 Antervedi Ex-servicemen's Co-operative Agricultural Colonization Society (proposed to be dropped).	Antervedi, Razole taluk (East Godavari district).	....	11
10 Kalidindi Agricultural Co-operative Colonization Society.	Kalidindi, Kaikalur taluk (Kistna district).	....	152
11 Rudravaram Co-operative Agricultural Colonization Society.	Rudravaram (Kurnool post).	....	69
12 Bhavadevarapalli Co-operative Agricultural Colonization Society.	Bhavadevarapalli, Divi taluk (Kistna district).	....	25
13 Siddaramapuram Co-operative Agricultural Colonization Society.	Siddaramapuram, Anantapur taluk (Anantapur district).	....	11
Total ..			887

APPENDIX III.

[Vide answer to starred question No. 123 asked by Sri S. B. Adityan at the meeting of the Legislative Council held on the 6th November 1947, page 595 supra.]

Statement showing the revenue derived from taxed trees in faslis 1351 to 1355 (1941 to 1946).

Districts. (1)	Fasli 1351 (1941-42). (2)	Fasli 1352 (1942-43). (3)	Fasli 1353 (1943-44). (4)	Fasli 1354 (1944-45). (5)	Fasli 1355 (1945-46). (6)
	RS.	RS.	RS.	RS.	RS.
Vizagapatam	1,014	357	426	422	673
East Godavari	564	743	620	1,000	1,302
West Godavari	1,523	1,531	1,607	1,579	1,806
Kistna	3	2	2	11	11
Guntur	455	144	195	113	3,750
Nellore	3,189	3,148	3,233	3,127	3,171
Cuddapah	64	51	63	34	86
Anantapur	804	810	823	837	910
Bellary	2,648	2,710	2,812	2,853	2,748
Kurnool	1,576	1,610	1,561	1,579	1,581
Chingleput	14,193	12,973	13,957	15,669	12,850
Chittoor	12,569	10,731	13,286	13,763	15,122
North Arcot	23,665	26,178	25,977	30,376	25,573
South Arcot	36,719	39,648	39,788	38,328	38,506
Tanjore	5,543	53,648	53,856	54,064	53,992
Trichinopoly	67,464	62,342	63,544	58,953	59,237

[6th November 1947]

Districts.	Fasli 1351 (1941-42).	Fasli 1352 (1942-43).	Fasli 1353 (1943-44).	Fasli 1354 (1944-45).	Fasli 1355 (1945-46).
(1)	(2)	(3)	(4)	(5)	(6)
	RS.	RS.	RS.	RS.	RS.
Madura	3,555	32,442	32,821	32,740	30,825
Ramnad	2,742	2,21	2,28	2,574	2,630
Tinnevely	30,051	1,900	..	30,313	35,522
Coimbatore	31,070	31,57	31,828	32,185	7,283
Salem	41,178	40,308	37,366	34,065	33,760
Kanara, South	875	951	951	1,000	921
Total	3,8414	3,23,633	3,27,314	3,55,585	3,32,259

Note.—Figures for fasli 1356 are not available.

APPENDIX IV.

[Vide answer to starred question No. 124 asked by Sri S. B. Adityan at the meeting of the Legislative Council held on the 6th November 1947, page 595 supra.]

Main functions of the Board of Revenue.

(i) Hearing statutory appeals relating to land and land revenue, water-rate, encroachment commercial taxes, etc.

(ii) Disposal of appeals, review petitions, etc., from Government servants in the Revenue department in respect of disciplinary matters.

(iii) General control over all Land Revenue, Excise and Prohibition and Commercial Taxes Establishment, inspection of districts and of Collectors' offices.

(iv) Original disposals in certain matters of assignments, alienation, grant of mining concessions, etc.

(v) Reports on irrigation projects and schemes.

(vi) General consultation on all policy and administrative matters.

(vii) The preliminary selection of various grades of Revenue officers and their close supervision.

(viii) General supervision and control of the general administration, including control of expenditure and collection of revenue.

APPENDIX V.

[Vide item V (1) at page 600 supra.]

*A Bill further to amend the Madras Betting Tax Act, 1935
(as passed by the Assembly) (L.A. Bill No. 29 of 1947).*

WHEREAS it is expedient further to amend the Madras Betting Tax Act, 1935, for the purposes hereinafter appearing; XX of 1935. It is hereby enacted as follows:—

1. This Act may be called the Madras Betting Tax (Amendment) Act, 1947.

Short title.

6th November 1947]

Madras Act
XX of 1935.

2. In the Madras Betting Tax Act, 1935—

(i) in section 4, sub-section (2), for the proviso, the following proviso shall be substituted, namely:—

“Provided that the rate shall not exceed twelve and a half per cent of every sum paid into the totalizer.”;

(ii) in section 5, sub-section (2), for the proviso, the following proviso shall be substituted, namely:—

“Provided that the rate shall not exceed twelve and a half per cent of every sum paid out by a book-maker to a winning backer, the amount of the bet being excluded.”

Amendment
of sections 4
and 5, Mad-
ras Act XX
of 1935.

Madras Act
XVII of
1943.

3. Section 2 of the Madras Finance (No. 2) Act, 1943, is hereby repealed.

Repeal of
section 2,
Madras Act
XXVII of
1943.

APPENDIX VI.

[Vide item V (2) at page 607 supra.]

*A Bill further to amend the Madras Abkari Act, 1886
(as passed by the Assembly, (L.A. Bill No. 30 of 1947).*

Madras Act
I of 1886.

WHEREAS it is expedient further to amend the Madras Abkari Act, 1886, for the purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Abkari (Amendment) Act, 1947. Short title.

Madras Act
I of 1886.

2. In clause () of the proviso to section 13 of the Madras Abkari Act, 1886, the words “or of any person for his *bona fide* private consumption and not for sale” shall be omitted. Amendment of section 13, Madras Act I of 1886.

APPENDIX VII.

[Vide item V (3) at page 609 supra.]

*A Bill further to amend the Madras Prohibition Act, 1937
(as passed by the Assembly, (L.A. Bill No. 31 of 1947).*

Madras Act
X of 1937.

WHEREAS it is expedient further to amend the Madras Prohibition Act, 1937, for the purpose hereinafter appearing; it is hereby enacted as follows:—

1. This Act may be called the Madras Prohibition (Amendment) Act, 1947. Short title.

Madras Act
X of 1937.

2. After section 4 of the Madras Prohibition Act, 1937, the following section shall be inserted, namely:—

Insertion of
new section
4-A in
Madras Act
X of 1937.

“4 A. Whoever is found in a state of intoxication in any public place and whoever, not having been permitted to consume any liquor or intoxicating drug in pursuance of this Act, is found in a state of intoxication in any private place, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.” Punishment for being found in a state of intoxication.

[6th November 1947]

APPENDIX VIII.

[Vide item V (4) at page 630 supra.]

A Bill to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes (as passed by the Assembly) (L.A. Bill No. 15 of 1947).

WHEREAS it is expedient to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Shops and Establishments Act, 1947.

(2) It extends to the whole of the Province of Madras.

(3) (a) It shall come into force in the City of Madras, in all the municipalities constituted under the Madras District Municipalities Act, 1920, and in all panchayats constituted under the Madras Local Boards Act, 1920, which, for the time being, are classified by the Provincial Government as major panchayats, on such date as the Provincial Government may by notification appoint. Madras Act V of 1920.
Madras Act XIV of 1920.

(b) The Provincial Government may, by notification, direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification.

CHAPTER I.

PRELIMINARY.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "child" means a person who has not completed fourteen years;

(2) "closed" means not open for the service of any customer or open to any business connected with the establishment;

(3) "commercial establishment" means an establishment which is not a shop but which carries on the business of advertising, commission, forwarding or commercial agency, or which is a clerical department of a factory or industrial undertaking or which is an insurance company, joint stock company, bank, brokers' office or exchange and includes such other establishment as the Provincial Government may by notification declare to be a commercial establishment for the purposes of this Act;

(4) "day" means the period of twenty-four hours beginning at midnight:

Short title,
extent, and
commence-
ment.

6th November 1947]

Provided that in the case of a person employed, whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(5) "employer" means a person owning, or having charge of, the business of an establishment and includes the manager, agent or other person acting in the general management or control of an establishment;

(6) "establishment" means a shop, commercial establishment, restaurant, eating-house, residential hotel, theatre or any place of public amusement or entertainment and includes such establishment as the Provincial Government may by notification declare to be an establishment for the purposes of this Act;

(7) "factory" means any premises which is a factory within the meaning of clause (j) of section 2 of the Factories Act, 1934, or which is declared to be a factory under section 5 of that Act;

(8) "Inspector" means an Inspector appointed under section 42;

(9) "notification" means a notification in the *Fort St. George Gazette*;

(10) "opened" means opened for the service of any customer;

(11) "periods of work" means the time during which a person employed is at the disposal of the employer;

(12) "person employed" means—

(i) in the case of a shop, a person wholly or principally employed therein in connexion with the business of the shop;

(ii) in the case of a factory or an industrial undertaking, a member of the clerical staff employed in such factory or undertaking;

(iii) in the case of a commercial establishment other than a clerical department of a factory or an industrial undertaking, a person wholly or principally employed in connexion with the business of the establishment, and includes a peon;

(iv) in the case of a restaurant or eating-house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance on customers or in cleaning utensils used in the premises or as a clerk or cashier;

(v) in the case of a theatre, a person employed as an operator, clerk, door-keeper, usher or in such capacity as may be specified by the Provincial Government by general or special order;

[6th November 1947]

(vi) in the case of an establishment not falling under paragraphs (i) to (v) above, a person wholly or principally employed in connexion with the business of the establishment, and includes a peon;

(vii) in the case of all establishments, a person wholly or principally employed in cleaning any part of the premises; but does not include the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

(13) "prescribed" means prescribed by rules made under this Act;

(14) "residential hotel" means any premises in which business is carried on *bona fide* for the supply of dwelling accommodation and meals on payment of a sum of money to a traveller or any member of the public or class of the public;

(15) "restaurant" or "eating-house" means any premises in which is carried on wholly or principally the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre;

(16) "shop" means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store-rooms, godowns and warehouses, whether in the same premises or otherwise, used in connexion with such business but does not include a restaurant, eating-house or commercial establishment;

(17) "theatre" includes any place intended principally or wholly for the representation of moving pictures or for dramatic performances;

(18) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

(a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity or of any service excluded by general or special order of the Provincial Government;

(b) any contribution paid by the employer to any pension fund or provident fund;

(c) any travelling allowance or the value of any travelling concession;

6th November 1947]

(d) any sum paid to the person employed to defray special expenses entitled on him by the nature of his employment; or

(e) any gratuity payable on discharge.

(19) " week " means a period of seven days beginning at midnight on Saturday ;

(20) " young person " means a person who is not a child and has not completed seventeen years.

3. References to time of day in this Act are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time. References to time of day.

4. (1) Nothing contained in this Act shall apply to— Exemptions.

(a) persons employed in any establishment in a position of management;

(b) persons whose work involves travelling; and persons employed as canvassers and caretakers;

(c) establishments under the Central and Provincial Governments, local authorities, the Reserve Bank of India, the Federal Railway Authority, a railway administration operating a federal railway, and cantonment authorities;

(d) establishments in mines and oil-fields;

(e) establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding fifteen days at a time;

(f) establishments which, not being factories within the meaning of the Factories Act, 1934, are, in respect of matters dealt with in this Act, governed by a separate law for the time being in force in the Province.

Central
Act XXV
of 1920.

(2) Nothing contained in section 7 or section 13, as the case may be, shall apply to—

(a) hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or the mentally unfit;

(b) such chemists' or druggists' shops as the Provincial Government may, by general or special order, specify;

(c) clubs and residential hotels, hostels attached to schools or colleges, and establishments maintained in boarding schools in connexion with the boarding and lodging of pupils and resident masters;

(d) stalls and refreshment rooms at railway stations, docks, wharves or ports.

5 Notwithstanding anything contained in section 4, the Provincial Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clauses (c) and (f) of sub-section (1), and modify or cancel any such notification. Power of Government to apply Act to exempted persons or establishments.

[6th November 1947]

- exempt (ns).

6. The Provincial Government may, by notification, exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of this Act, subject to such conditions as the Provincial Government deem fit.

CHAPTER II.

SHOPS.

Opening and
closing
hours of
shops.

7. (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government, by a general or special order in that behalf :

Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) Before passing an order under sub-section (1), the Provincial Government shall hold an inquiry in the prescribed manner.

(3) The Provincial Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

Selling out-
side shops
prohibited
after closing
hour.

8. Save as provided by or under any other enactment for the time being in force, no person shall carry on, in or adjacent to a street or public place, the sale of any goods after the hour fixed under section 7 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated :

Provided that nothing in this section shall apply to the sale of newspapers.

Daily and
weekly
hour of
work in
shops.

9. (1) Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week :

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any shop shall be required or allowed to work therein for more than four hours in any day unless he has had an interval for rest of at least one hour.

6th November 1947]

10. The periods of work of a person employed in a shop shall be so arranged that, along with his intervals for rest, they shall not spread over more than twelve hours in any day. Spread over
of periods of
work.

11. (1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shopkeeper more often than once in three months. Closing of
shops and
grant of
holidays.

(2) Every person employed in a shop shall be allowed in each week a holiday of one whole day :

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1), to an additional holiday.

(3) (a) The Provincial Government may, by notification, require in respect of shops or any specified class of shops, that they shall, in addition to the day provided for by sub-section (1), be closed at such hour in the afternoon of one week-day in every week at such hour as may be fixed by the Provincial Government.

-(b) Every person employed in any shop to which a notification under clause (a) applies, shall be allowed in each week an additional holiday of one half-day commencing at the hour in the afternoon fixed for the closing of the shop under clause (a).

(4) The Provincial Government may, for the purpose of sub-section (3), fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

(5) The weekly day on which a shop is closed in pursuance of a requirement under sub-section (3) shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop, and shall not be altered by the shopkeeper more often than once in three months.

(6) No deduction shall be made from the wages of any person employed in a shop on account of any day or part of a day on which it has remained closed or a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall nonetheless be paid for such day or part of a day the wages he would have drawn, had the shop not remained closed, or had the holiday not been allowed, on that day or part of a day.

[6th November 1947]

CHAPTER III.

ESTABLISHMENTS OTHER THAN SHOPS.

Application
of this Chap-
ter to estab-
lishments
other than
shops.

12. The provisions of this Chapter shall apply only to establishments other than shops.

Opening and
closing
hours.

13. (1) Save as provided by or under any other enactment for the time being in force, no establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government by general or special order in that behalf:

Provided that in the case of a restaurant or eating-house, any customer who was being served or was waiting to be served therein at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) Before passing an order under sub-section (1), the Provincial Government shall make an inquiry in the prescribed manner.

(3) The Provincial Government may, for the purposes of this section, fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

Daily and
weekly hours
of work.

14. (1) Subject to the provisions of this Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week:

Provided that any such person may be allowed to work in such establishment for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any establishment shall be required or allowed to work in such establishment for more than four hours in any day unless he has had an interval for rest of at least one hour.

Spread over
of periods of
work.

15. The periods of work of a person employed in an establishment shall be so arranged that along with his intervals for rest, they shall not spread over more than twelve hours in any day.

Holidays.

16. (1) Every person employed in any establishment shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days.

6th November 1947]

(2) The Provincial Government may, by notification, require in respect of any establishment or any specified class of establishments, that every person employed therein shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by the Provincial Government.

(3) The Provincial Government may, for the purpose of sub-section (2), fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

(4) No deduction shall be made from the wages of any person employed in an establishment on account of any day or part of a day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall nonetheless be paid for such day or part of a day the wages he would have drawn, had the holiday not been allowed on that day or part of a day.

CHAPTER IV.

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

17. No child shall be required or allowed to work in any establishment. Children not to work in establishments.

18. No young person shall be required or allowed to work in any establishment before 6 a.m. and after 7 p.m. Young persons to work only between 6 a.m. and 7 p.m.

19. Notwithstanding anything contained in this Act, no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week nor shall such person be allowed to work overtime. Daily and weekly hours of work for young persons.

CHAPTER V.

HEALTH AND SAFETY.

20. The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleansed at such times and by such methods as may be prescribed; and these methods may include lime washing, colour washing, painting, varnishing, disinfecting and deodorising. Cleanliness.

21. The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed. Ventilation.

22. (1) The premises of every establishment shall be sufficiently lighted during all working hours. Lighting.

[6th November 1947]

(2) If it appears to an Inspector that the premises of any establishment within his jurisdiction is not sufficiently lighted or ventilated, he may serve on the employer an order in writing specifying the measures which, in his opinion, should be adopted and requiring them to be carried out before a specified date.

Precautions
against fire.

23. In every establishment, such precautions against fire shall be taken as may be prescribed.

Appeals.

24. Against any order of the Inspector under this Chapter, an appeal shall lie to such authority and within such time as may be prescribed; and the decision of the appellate authority shall be final.

CHAPTER VI.

HOLIDAYS WITH WAGES.

Holidays
and sick
leave.

25. (1) Every person employed in any establishment shall be entitled, after twelve months' continuous service, to holidays with wages for a period of 12 days, in the subsequent period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

Explanation.—For the purposes of this sub-section any continuous period of service preceding the date on which this Act applies to any establishment shall also count, subject to a maximum period of twelve months.

(2) Every person employed in any establishment shall also be entitled during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service, (a) to leave with wages for a period not exceeding 12 days; on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period not exceeding 12 days on any reasonable ground.

(3) If a person entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under this Act in respect of the holidays.

(4) If a person entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) A person employed shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption

6th November 1947]

in service during those twelve months brought about (i) by sickness, accident, or authorized leave (including authorized holidays), not exceeding ninety days in the aggregate for all three; or (ii) by a lock-out; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorized leave shall be deemed not to include any weekly holiday or half-holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

(6) A person employed in a hostel attached to a school or college or in an establishment maintained in a boarding school in connexion with the boarding and lodging of pupils and resident masters shall be allowed the privileges referred to in sub-sections (1) to (5), reduced however proportionately to the period for which he was employed continuously in the previous year or to the period for which he will be employed continuously in the current year, as the case may be; and all references to periods of holidays or of leave in sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

(7) The Provincial Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case.

26 Every person employed shall, for the holidays or the period of the leave allowed under sub-section (1) or (2) of section 25, be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months exclusive of any earnings in respect of overtime.

Pay during annual holidays.

27. Notwithstanding anything contained in section 25, the Provincial Government may, by notification, increase the total number of annual holidays and the maximum number of days up to which such holidays may be accumulated in respect of any establishment or class of establishments.

Power to increase the number of holidays.

28. Any Inspector may institute proceedings on behalf of any person employed to recover any sum required to be paid under this Chapter by an employer which he has not paid.

Power of Inspector to act for person employed.

CHAPTER VII.

WAGES.

29. Every employer shall be responsible for the payment to persons employed by him of all wages and sums required to be paid under this Act.

Responsibility for payment of wages.

30. (1) Every employer shall fix periods (in this Act referred to as wage periods) in respect of which such wages shall be payable.

Fixation of wage period.

(2) No wage period shall exceed one month.

[6th November 1947]

Wages for
overtime
work.

31. Where any person employed in any establishment is required to work overtime, he shall be entitled, in respect of such overtime work, to wages at twice the ordinary rate of wages.

Explanation.—For the purpose of this section, the expression “ordinary rate of wages” shall mean such rate of wages as may be calculated in the manner prescribed.

Time of
payment of
wages.

32. (1) The wages of every person employed shall be paid before the expiry of the fifth day after the last day of the wage period in respect of which the wages are payable.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by such person shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The Provincial Government may, by general or special order, exempt an employer from the operation of this section in respect of the wages of any person employed or class of persons employed, to such extent and subject to such conditions as may be specified in the order.

(4) All payments of wages shall be made on a working day.

Wages to be
paid in cur-
rent coin or
currency
notes.

33. All wages shall be paid in current coin or currency notes or in both.

Deductions
which may
be made
from wages.

34. (1) The wages of a person employed shall be paid to him without deductions of any kind except those authorized by or under this Act.

Explanation.—Every payment made by a person employed to the employer shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely :—

(a) fines;

(b) deductions for absence from duty;

(c) deductions for damage to, or loss of, goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(d) deductions for house accommodation supplied by the employer;

(e) deductions for such amenities and services supplied by the employer as the Provincial Government may, by general or special order, authorize;

(f) deductions for recovery of advances or for adjustment of over-payments of wages;

6th November 1947]

(g) deductions of income-tax payable by the employed person;

(h) deductions required to be made by order of a Court or other authority competent to make such order;

(i) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1925, applies or any recognized provident fund as defined in section 58-A of the Indian Income-tax Act, 1922, or any provident fund approved in this behalf by the Provincial Government during the continuance of such approval;

(j) deductions for payments to co-operative societies approved in this behalf by the Provincial Government or to a scheme of insurance maintained by the Indian Post Office or by any insurance company approved in this behalf by the Provincial Government;

(k) deductions made with the written authorization of the employed person in furtherance of any savings scheme approved by the Provincial Government for the purchase of securities of the Central or Provincial Government.

35. (1) No fine shall be imposed on any person employed **Fines.** save in respect of such acts and omissions on his part as the employer, with the previous approval of the Provincial Government or of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on.

(3) No fine shall be imposed on any person employed until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage period on any person employed shall not exceed an amount equal to half an anna in the rupee of the wages payable to him in respect of that wage period.

(5) No fine shall be imposed on any person employed who has not completed his fifteenth year.

(6) No fine imposed on any person employed shall be recovered from him after the expiry of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and all such realizations shall be applied only to such purposes beneficial to the persons employed in the establishment as are approved by the prescribed authority.

Central
Act XIX
of 1925.
Central
Act XI of
1922.

[6th November 1947]

Explanation.—When the persons employed are part only of a staff employed under the same management, all such realizations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

Deductions
for absence
from duty.

36. (1) Deductions may be made under clause (b) of sub-section (2) of section 34 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period during which by the terms of his employment, he was required to work :

Provided that, subject to any rules made in this behalf by the Provincial Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say, without giving the notice which is required under the terms of their contract of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

Explanation.—For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work, if, although present in such place, he refuses, in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

Deductions
for damage
or loss.

37. (1) A deduction under clause (c) of sub-section (2) of section 34 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the person employed and shall not be made until the person employed has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

Deductions
for services
rendered.

38. A deduction under clause (d) or clause (e) of sub-section (2) of section 34 shall not be made from the wages of a person employed unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed

6th November 1947]

an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under the said clause (e) shall be subject to such conditions as the Provincial Government may impose.

39. Deductions under clause (f) of sub-section (2) of section 34 shall be subject to the following conditions, namely :— **Deductions for recovery of advances.**

(a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advances given for travelling expenses;

(b) recovery of advances of wages not already earned shall be subject to any rules made by the Provincial Government regulating the extent to which such advances may be given and the instalments by which they may be recovered.

40. Deductions under clauses (j) and (k) of sub-section (2) of section 34 shall be subject to such conditions as the Provincial Government may impose. **Deductions for payments to co-operative societies and insurance schemes.**

41. (1) No employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose. **Notice of dismissal.**

(2) The person employed shall have a right to appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer.

(3) The decision of the appellate authority shall be final and binding on both the employer and the person employed.

CHAPTER VIII.

APPOINTMENT, POWERS AND DUTIES OF INSPECTORS.

42. The Provincial Government may, by notification, appoint such officers of the Provincial Government or of any local authority as they think fit to be Inspectors for the purposes of this Act, within such local limits as the Provincial Government may assign to them. **Appointment of Inspectors.**

[6th November 1947]

Powers and
duties of
Inspectors.

43. Any Inspector may at all reasonable hours enter into any premises which is, or which he has reason to believe is, an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records or notices as may be prescribed.

Inspectors
to be public
servants.

44. Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Central
Act XLV
of 1860.

CHAPTER IX.

PENALTIES FOR OFFENCES.

Penalties.

45 (1) Any employer who contravenes any of the provisions of sections 7, 9 to 11, 13 to 23, 25, 26, 29 to 41 and 47 shall be punishable, for a first offence, with fine which may extend to twenty-five rupees, and for a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) Whoever contravenes the provisions of section 8 shall be punishable, for a first offence, with fine which may extend to ten rupees, and for a second or subsequent offence, with fine which may extend to one hundred rupees.

Penalty for
obstructing
Inspector,
etc.

46. Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act or any person lawfully assisting an Inspector in the exercise of such power, or who fails to comply with any lawful direction made by an Inspector, shall be punishable with fine which may extend to two hundred and fifty rupees.

CHAPTER X.

MISCELLANEOUS.

Maintenance
of registers
and records
and display
of notices.

47. Subject to the general or special orders of the Provincial Government, an employer shall maintain such registers, and records and display such notices as may be prescribed.

Delegation
of powers.

48. (1) The Provincial Government may, by notification, authorize any officer or authority subordinate to them, to exercise any one or more of the powers vested in them by or under this Act, except the power mentioned in section 49, subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under subsection (1) shall be subject to control and revision by the Provincial Government or by such persons as may be empowered by them in that behalf. The Provincial Government shall also have power to control and revise the acts or proceedings of any person so empowered.

Power to
make rules.

49. (1) The Provincial Government may make rules to carry out the purposes of this Act.

6th November 1947]

(2) In making a rule under sub-section (1), the Provincial Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the *Fort St. George Gazette* and on such publication shall have effect as if enacted in this Act.

50. Nothing contained in this Act shall affect any rights or privileges which any person employed in any establishment is entitled to, on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act. **Rights and privileges under other law, etc., not affected.**

51. If any question arises whether all or any of the provisions of this Act apply to an establishment or to a person employed therein or whether section 50 applies to any case or not, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and shall not be liable to be questioned in any Court of Law. **Commissioner of Labour to decide certain questions.**

52. On any special occasion in connexion with a fair or festival or a succession of public holidays, the Provincial Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act. **Power of Government to suspend provisions of the Act during fairs and festivals.**

Central Act
XVIII of
1942.

53. On and from the date on which this Act comes into operation in respect of an establishment, the Weekly Holidays Act, 1942, shall cease to apply to such establishment.

Central Act
XVIII of 1942
not to apply to
establishments
governed by
this Act.

செய்யுது வெல்லுது
TRUTH ALONE TRIUMPHS

